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AN

ESSAY

ON THE

Engliſh Conſtitution.

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PREFACE.

THE following Eſſay is Part of a more extenſive Work on the different Governments eſtabliſhed among Mankind, which the Author propoſes giving to the Public in a few Months. In the mean Time he has thought that the Publication of this Eſſay might be uſeful in theſe critical Circumſtances, and hopes it may contribute to confirm the Rights of the Subjects, ſo lately and ſo wantonly violated.

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AN ESSAY ON THE ENGLISH CONSTITUTION.

CHAP. I.

Of Monarchi-Ariſto-Democratic Governments.

SUCH I call thoſe governments which are compoſed of king, lords, and commons: of this kind are England, and Sweden. They ſeem, at firſt ſight, very complicated, but in fact are not ſo, being finally reduced to three parts only, which form the conſtitution.

According to the principles of equality, which we have ſhewn to be the baſis, and foundation of all free governments, it is evident that if either of the powers which compoſe the Engliſh conſtitution, preponderates, it is in danger of being overturned: if, for example, that part which repreſents the Democracy prevails over either of the other two; it will, by degrees, as in Charles the Firſt's time, overturn the houſe of peers, naturally inclined to royalty, if not ſupported by the crown, and ſoon reduce even the crown itſelf alſo to ſubmit.

The houſe of commons is the more dangerous, as it is very numerous, and, when it oppoſes the crown, cannot fail of being ſupported by the nation in general, ever juſtly jealous of its power and influence, ſo that the people willingly concur in every meaſure, that may tend to diminiſh the power of the one, and ſupport that of the other. The houſe of commons being moreover maſters either of granting or refuſing the ſupplies, can at any time embarraſs the government. Their jealouſy of the lords makes them embrace with pleaſure, every opportunity of mortifying them. Prudence therefore, as well as neceſſity, requires that the king ſhould ſhew a particular regard and deference to the commons in general; and, above all, to thoſe who diſtinguiſh themſelves by their talents and elo-

eloquence, ever reſpectable, and always act powerfully in a free ſtate, eſpecially if the members who compoſe it are numerous. He muſt therefore attach them to his intereſt by lucrative and important employments, that being united in a common cauſe with the crown, they muſt ſupport thoſe meaſures, of which they are themſelves the authors. However zealous they may ſeem to appear for the good of their country, I fancy the moſt juſt and able miniſter would find it impoſſible to carry any point of conſequence, however equitable and neceſſary, without great oppoſition, and perhaps at laſt miſcarry, if the members, of both houſes, were not animated by ſome other principles than thoſe of patriotiſm and glory, of which, luxury and corruption ſeem to have extinguiſhed every idea. Had the place-bill taken effect, it would probably have been followed by fatal conſequences, very different from thoſe it was intended to produce: and therefore, though I profeſs myſelf a lover of my country, I am really glad it did not paſs. Can it be imagined that the houſe of commons would have ſeen, with indifference, all the employments of the kingdom in the hands of the lords, and their dependants? but this muſt have been the caſe, if the commons could not enjoy them. Diſſention, inſtead of that jealouſy neceſſary to

ſupport the balance, on which the ſafety of the conſtitution depends, muſt have enſued between the two houſes, which the king, having no longer any influence on the commons, could not have ſuppreſſed, or hindered from being carried to ſuch a height, as would have overturned the whole machine of government. Beſides, the peers, by poſſeſſing all the great employments in every department, and filling the army, navy, *&c.* with their dependants, would in fact become an Ariſtocracy: for power always follows riches, and ſoon becomes too powerful to be checked by the king and commons. The old method of dethroning the one, and oppreſſing the other, would have been naturally renewed. For ſuch, in fact, was the antient ſyſtem, which would have ſtill continued, if ſome of our kings had not wiſely and juſtly raiſed the power and dignity of the commons, as a check upon the lords. The event demonſtrated the wiſdom of their meaſures. The commons, as well from principle, as intereſt, muſt have oppoſed the lords upon every occaſion, and the king muſt, for his own ſafety, and that of the conſtitution, have ſupported them. A juſt and moderate influence on the commons, which would not have been preſerved, had the place-bill paſſed, is abſolutely neceſſary to maintain the balance between the powers

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which compoſe the government. If at preſent the crown's influence is ſuppoſed to be very extenſive in both houſes, the miniſtry cannot, without the greateſt difficulty, carry on the common buſineſs of the nation, if, upon every occaſion, they find themſelves clogged and embarraſſed, by the oppoſition. How could they proceed when they had loſt their influence in both houſes? which muſt have been the caſe if the lords had too much, and the commons too little power.

As the commons are very numerous, there will be many whom the miniſtry cannot, or will not employ, on the terms they wiſh. Theſe will always oppoſe his meaſures, right or wrong: The ſame difficulties, though in a leſſer degree, being fewer in number, and naturally more attached to the crown, will alſo occur in the houſe of lords. As things now are, the conſtitution has leſs to fear from them, than from the commons, their number being much ſmaller; and, as individuals, are not entitled to any more power than any other members of the community, and have therefore no more influence on the people than what naturally ariſes from talents and riches: and the commons, at the ſame time, being numerous, and in general rich, and ſupported by the people, when in oppoſition to the crown and lords, the latter could never

never endanger the conſtitution, nor would they attempt it, unleſs the commons were totally oppreſſed; becauſe their power and dignity depend, on the preſent form of government: whereas that of the commons would increaſe, in proportion as that of the crown and lords declined. Nor do I think any thing can deſtroy the influence of the commons; for they are intimately connected with that of the people, and, in general, rich, and well inſtructed in what regards their rights and privileges. Even a military force would be found ineffectual; becauſe many of the officers are more attached to their country, than to the ſervice, being gentlemen of independent fortunes; contrary to what happens in other countries, where the officers have no other reſource than their pay, and the prince's bounty. Theſe have no country but their regiments, or any other ſource for ſubſiſtance, and are therefore entirely dependant on the will of their ſovereign. If the commons, as formerly, were few and poor, the lords would ſoon be maſters of the ſtate, and all balance between the different parts which form the conſtitution deſtroyed. The king therefore has no other reſource than to augment the power of the commons, or that of the lords, as circumſtances may require, in order to maintain a proper equilibre between them, on which

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his own ſafety, as well as that of the ſtate, depends. The want of ſufficient power in the crown to maintain the balance between the different claſſes, which form the conſtitution in Sweden, is the reaſon why that unhappy kingdom is for ever rent with inteſtine convulſions, which deſtroy all induſtry; and to this their poverty muſt be chiefly attributed, being otherwiſe a brave and active people.

CHAP. II.

Of the King's Prerogative.

PRerogative is a word, like thoſe of Liberty and Religion, which has produced more civil wars, and done more miſchief to mankind, than all other cauſes put together. Thoſe who are attached to the prince, and partake of his power, endeavour continually to extend the prerogative. There is ſcarcely any object, which, according to theſe gentlemen, is not in ſome meaſure ſubject to the prerogative, and the arbitrary will of the ſovereign. Sometimes they will diſpenſe with the laws, and ſupply their pretended deficiency by the king's proclamations, ſo that, in a ſhort time, if the miniſtry was not checked by his opponents, of which we hope there will always be many, the uſe and benefit of

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the laws would be loſt, and replaced by the prerogative and arbitrary power of the crown: for ſuch muſt be deemed that power, which is derived from, and exerted by the will of one perſon. In this caſe the conſtitution would be in fact diſſolved, and nothing remain but the vain and empty form of impotent laws; as it happened at Rome after the ſubverſion of the republic under the tyrannic governments of Auguſtus, and Tiberius. Their ſucceſſors even neglected this vain ceremony, and carried their deſpotiſm to the utmoſt height of cruelty and oppreſſion.

Thoſe, on the contrary, who do not partake of the king's favour, jealous of thoſe who do, are ever exclaiming againſt every exertion of power, even in thoſe caſes, where the welfare of the ſtate requires it. I remember, ſome time ago, the nation was greatly afflicted by the dearneſs of proviſions, encreaſed by the infamous and cruel race of monopolizers, who oppreſſed the poor, and excited them to commit ſeveral violences, ſo that the public tranquility was greatly diſturbed: the king therefore, by the advice of his council, thought it neceſſary, by his own authority, to apply ſome remedy that would relieve the poor, and reſtore the peace of the nation. With theſe paternal views he prohibited the exportation of corn, for a limited

limited time, until the parliament could provide ſome more effectual remedy. It is true, that ſuch a prohibition was contrary to an expreſs law, which not only permits, but encourages, by great premiums, the exportation of corn. Every body however agreed that the evil was great; that it required immediate relief; and therefore the nation in general highly approved of what the king had done. Notwithſtanding which, thoſe who were oppoſed to the miniſtry, complained of this meaſure, as a moſt enormous abuſe that ſapped the foundation of the conſtitution, whoſe laws, they ſaid, had been wantonly violated, and even without neceſſity. The miniſters were obliged to procure an act of indemnity, for having adviſed the king to provide for the ſafety of his people. It is doubtleſs eſſential to a free government, that there ſhould be an oppoſition, to keep a watchful eye on the conduct of the miniſter, and check him in the purſuit of arbitrary meaſures, to which moſt men are too much inclined. Such an oppoſition however muſt be regulated by equity and juſtice, otherwiſe it will degenerate into chicanery, malice, and faction. One muſt never ſee more in an object than what it really contains. There is nothing however indifferent, from which, by forced conſtructions, and interpretations, you may not draw what conſequences you pleaſe.

You cannot, conſiſtently with juſtice, deprive a miniſter of the rights of a ſubject; you muſt hear him, and prove his conduct criminal, before you can puniſh him; when this is done, you cannot be too ſevere, that his example may deter others from abuſing the confidence the king has repoſed in them. But if thoſe in the oppoſition do nothing more than declaim, without diſtinction, againſt every meaſure purſued by the miniſter, they give room to believe, that envy and malice, rather than the love of truth and patriotiſm, are the real motives of their conduct. It is equally impoſſible that a miniſter ſhould always be in the wrong, as it is, he ſhould always be in the right. Thoſe therefore who always exclaim againſt him, juſtly deſerve the name of factious; while thoſe who always defend him, deſerve the appellation of vile and infamous mercenaries, and enemies to their country, who deſerve the hatred and execration of all honeſt men.

It is a common ſaying, in the mouths of the royaliſts, *That the king can do no wrong.* This is undoubtedly true, but not in the ſenſe they uſe it, as if he was infallible, and had a right to do whatever he pleaſed. For, on the contrary, he is himſelf like any other man, ſubject to the laws in civil matters, and if in thoſe, which are criminal, ſuppoſing for example he had

the misfortune to treat a ſubject ill, in his perſon or property, he ſeems exempted, and is not uſually called to anſwer for the fault. It is not however becauſe he is not anſwerable for it, as the laws direct, but becauſe it is more eligible to ſuffer the *man* to go unpuniſhed, than to call the *king* to juſtice; according to that general principle: *It is better to ſuffer a leſſer, than a greater evil.* The ſenſe therefore of that ſaying, is, that the king, being only a part of the legiſlative power, cannot of himſelf, and as king, do any wrong; a quality equally applicable to the other two branches; becauſe they are authoriſed conjointly to form any law, and ſeparately they have a negative, which they can lawfully put upon any queſtion. So that neither the king, or either houſe, either by aſſenting to, or rejecting a law, can be properly ſaid, to do wrong; becauſe they are authoriſed by the law to do it, and whatever they do, as king, lords, and commons, will be lawfull, though at the ſame time it may be unjuſt. But the *king* is alſo a *man*. The lords and commons, as men, and ſubjects, and may have the misfortune to violate the laws; will any one ſay, that, in ſtrict juſtice, they are not ſubject to the penalties impoſed by them? If in any nation whatever, any one man, or body of men, can violate the laws of

the country without being anſwerable for it; I ſay, ſuch a man, or body of men, are deſpotic, and the government a deſpotiſm: for, if they have a right to violate the laws in one point, they may in all; unleſs the particular caſe permitted be ſpecified; then, indeed, it is a deſpotiſm in that particular caſe only; but which would very ſoon extend to others.

But though, whatever is done by king, lords, and commons, as ſuch, be lawful, it may, as we have already obſerved, be unjuſt. For example, a law that would deprive a man of his life or property, without giving him the means of defending himſelf according to the eſtabliſhed cuſtoms of the land, would be unjuſt. A law to perpetuate the parliament, or prolong the duration of it, would be unjuſt. On the contrary, a law that would diminiſh it, would be both lawful and juſt; becauſe it does not abridge the rights of the electors, but increaſes them, by giving them more frequent opportunities of exerting them: Upon this principle, which we think evident, becauſe no elector in chuſing a member can poſſibly intend that ſuch a member ſhould be authoriſed to diminiſh his own rights. It is therefore certain that the parliament which prolonged the duration of the commons from three to ſeven years, committed an uſurpation on

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the rights of the electors. The parliament might with equal reaſon have changed the conſtitution, and perpetuated themſelves. It would have been lawful, but unjuſt, and in fact the conſtitution would have been diſſolved, and every man re-entered into his original right, which force may oppreſs, but can never deſtroy, or invalidate. All laws contrary to natural equity are unjuſt, and of courſe void. All laws that would command an unequal diſtribution of juſtice, is void; and the force applied to put it in execution, is tyranny.

A king of England is not only an eſſential part of the legiſlative power, but likewiſe the chief magiſtrate, head of the church, and commander in chief, of all the armies both by ſea and land. As ſuch therefore, he has the diſpoſal of all employments whatever; and by that means enjoys an effectual method of keeping the balance between the other two parts of the legiſlative power, which he could not do, without it; or if he was obliged to confer employments on any one claſs of men, to the prejudice of others. It is ſaid that the power of the crown increaſes, even in ſuch a manner as to threaten the freedom of the conſtitution. Facts however prove the contrary. For the miniſtry cannot carry the moſt indifferent point, however juſt, and neceſſary, without ſecuring a majority in

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both houſes, by motives intirely unconnected and incompatible with the object in queſtion. It is only by places, penſions and occaſional gratifications, that the miniſtry get the common buſineſs of the nation done. It is neceſſary in every ſpecies of government that a proper power be lodged ſome where, to confer employments and execute the laws. If ſuch powers were lodged in either of the two houſes, the conſtitution would not laſt a month. It cannot therefore be placed with greater advantage, and leſs inconveniency, than in the king, as by this power alone he can preſerve the balance between the diſcordant parts which form the conſtitution. Though the king is chief of all the forces, the military are here leſs dependant on the crown, than in any other country: becauſe they are ſubject to the civil magiſtrate like other men. Their pay, and number, alſo depend on the parliament. The king has no arbitrary power, either in making or executing the laws, or on the revenues: the quantity, and uſe to which they are deſtined being dependant on parliament: In this chiefly conſiſts the force and goodneſs of the Engliſh conſtitution, which cannot therefore be eaſily deſtroyed.

However corrupted we may ſuppoſe the members of both houſes, there will be among them, many men of Genius and integrity;

tegrity; there will be many more, whoſe diſappointed ambition, will induce them to concur with the former, in oppoſing the arbitrary views of the miniſtry: even thoſe, who, accordiug to the common phraſe, are ſuppoſed to be ſold to the miniſtry, will concur in his views only to a certain degree: becauſe they will reſerve the power of being ſold again, whenever their circumſtances may require. It is upon this principle, that Monteſquieu obſerves, that the Engliſh are more eaſily corrupted than his countrymen; becauſe thoſe, by the continual enjoyment of liberty, do not ſufficiently know the value of it; whereas theſe, on the contrary, who always groaning under the yoke of oppreſſion, if ever they obtain the leaſt ſhadow of liberty, are raiſed to a degree of enthuſiaſm, which force and violence alone can repreſs.

The miniſter therefore, can never procure any law to be made which directly oppoſes the principles of the conſtitution; nor can he, by military force, ever deſtroy it, ſuppoſing they would concur with him: becauſe the people are brave and warlike; in a few weeks they would become ſoldiers; and form particularly an excellent cavalry. How could thirty or forty thouſand men oppoſe a milion, animated by the love of liberty. The city of London, with ſuch eaſy communications over the river, could not, I

am perſuaded, be forced, by twenty thouſand men. Indeed it is little to be feared that ever ſuch an attempt will be made by his preſent majeſty: I wiſh he may always enjoy power ſufficient to hold a ſteady balance, between the other two parts of the legiſlature. Had he propoſed to extend his power at the expence of liberty, nothing could have contributed to it ſo much as a war; yet we find that, on his aſcending the throne, he adopted pacific meaſures; and which he has with conſtancy purſued. So that his conduct proves he can have no intention, and certainly he has no intereſt to deſtroy public liberty.

Neither of the three parts which form the conſtitution, has any power or influence over the laws, otherwiſe national liberty would ſoon vaniſh. James the ſecond, unhappily for him, aſſumed the right of diſpenſing with the laws; which, if admitted, would have rendered them uſeleſs; the government would have been an abſolute monarchy, and the parliament either a mere phantom, or an inſtrument of oppreſſion. This opinion ſo generally prevailed, that excepting a few courtiers, the whole nation roſe to a man, and forced the king to abandon a crown, he would have held upon unjuſt terms. The king as ſupreme magiſtrate, may, as well as the lords, decide cauſes by appeal; and the lat-

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ter alſo original cauſes by impeachment; but both the one and the other, muſt be guided by the laws, and where they may be deficient, natural equity muſt ſupply the want of poſitive law. But as members of the conſtitution, they have no influence over them, and as *men*, they are bound to obey them. Nor can they, without violating the moſt obvious principles of a free government, confound their *moral character* with that of *men*.

The kings prerogative may be reduced to three objects. 1. As a member of the conſtitution he muſt, like the others, enjoy perfect liberty and independance to act in parliament, that he may, without reſtraint, give, or refuſe, his conſent to any law propoſed to him. If he was under any conſtraint, the government would be diſſolved, whereas if a member of either houſe be hindered from aſſiſting in parliament, the privilege of the member would, indeed be violated, but the conſtitution would ſtill remain: becauſe one member does not, like the king, form an eſſential part of it. The liberty therefore of the royal perſon is eſſential to its preſervation. In the ſame manner if either of the houſes was forced to a compliance, it would equally deſtroy the conſtitution.

Charles the Firſt having, at the beginning of his reign, extended the prerogative

beyond the limits preſcribed by the laws then in being, violated the privileges of parliament by arreſting ſome members, and by raiſing money, without the conſent of the legiſlature; contrary to the eſtabliſhed laws of the land. By this he had, in fact, diſſolved the conſtitution. His partiſans ſay, that many of his predeceſſors had exerted the ſame powers, and therefore, it was lawful in him to imitate them. To which I anſwer, that the exertion of any power incompatible with the known laws of the land is an abuſe, which no preſcription, however long, can render lawful. The cruel Henry the eighth, and queen Elizabeth had often exerted the prerogative beyond what the laws preſcribe. No one however, I think, will ſay they acted juſtly. And the oppoſition of the ſubject, in either caſe, would have been juſtified as well by the laws of equity as thoſe of the land; to which the king is equally ſubject with any other man. The crown lawyers will no doubt exclaim againſt this doctrine, and ſay, it implies a contradiction; that the king, in whoſe name the laws are made and executed, ſhould be ſubject to them: It would be ridiculous, that the king ſhould in his own name, accuſe himſelf, which according to the ſtile of the laws, would be the caſe. To which I anſwer, That the king as forming a third part of the

the legiſlative power, cannot, any more than the other two, by giving, or refuſing his conſent to a bill, incur any penalty, and conſequently be ſubject to the ſentence of the law. Nor, as ſupreme magiſtrate, any more than thoſe, who act by his authority, as ſuch, be ſubject to any law for having duly executed them: they are authoriſed to act in this manner by the conſtitution. It is a breach of the laws only, that renders a man ſubject to penalty. The words *king* and *magiſtrate* ſignify only *Moral characters* and do not exclude that of *men*; who, as ſuch, being ſubject to human frailties, may have the misfortune to commit actions contrary to the laws, and be therefore ſubject to the penalties impoſed by them. If any perſon by his own authority can give himſelf a diſpenſation from obſerving the laws; or obtain authority from any power whatever to do it, as Auguſtus did by a degree of the Senate; it is evident that ſuch a perſon is, to all intents and purpoſes, an abſolute monarch; ſubject to no other rule than that of his own arbitrary will: and if, from a principle of humanity, he permits his ſubjects to enjoy life and property, they ought to acknowledge the favour with ſubmiſſion and gratitude; he being ſubject to no penalty, becauſe there is no power ſuperior to his own. He may commit whatever injuſtice

he pleaſes, without being anſwerable to any tribunal; which is the proper characteriſtic of an abſolute monarchy. If, for example, an abſolute monarch, in whoſe perſon alone the ſovereign power is concentered, ſhould order a village to be plundered and burnt: can it be doubted but that as a *man* he violates the laws of the ſociety, as well as thoſe of natural equity; and therefore juſtly incurs the penalty impoſed by the one and the other? The moſt deſpotic ſovereign upon earth is always ſuppoſed to act for the good of his ſubjects, for this alone every ſuperior power was originally granted; and by virtue of this he is entitled to their obedience. If, I ſay, this right, which every man has to his perſonal ſecurity as well as to his property, be openly, and wantonly, violated; his duty of obedience ceaſes. He is no longer the father and protector, but the oppreſſor and enemy of his ſubjects, whoſe tyranny they may oppoſe, as they might that of any other individual, who would forcibly deprive them of their juſt rights; which are equally ſecured by the poſitive laws of ſociety, and the original laws of nature. Nothing more evidently ſhews the degree of infamy and ſlavery, to which the Roman republic was reduced, than their decree to free Auguſtus from the obſervation of the laws. Nothing ſurely could be more unjuſt. As

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individuals they might perhaps have given away their liberty, but they could not give up that of the whole Roman people, without violating the moſt obvious principles of natural juſtice.

The firſt Cæſar, and his ſucceſſors, were exactly ſimilar to thoſe of Cromwell, whoſe power was founded on a military democracy, of which he was the chief; and though both permitted juſtice to be in general impartially adminiſtered, yet they were both, in fact, equally tyrants, and oppreſſors of their country: and as ſuch, deſerve the execration of mankind. And though under Cromwell civil liberty was in a great meaſure preſerved, yet the principles of the conſtitution were totally deſtroyed.

The ſecond part of the king's prerogative, is founded on the laws, or on preſcription, which reaſon and neceſſity authoriſe. It conſiſts, in his having the diſpoſal of all employments, civil, military, and eccleſiaſtic; being the ſupreme and indeed the only magiſtrate in the kingdom, the others acting only by his authority. Even the houſe of lords, who enjoy an hereditary juriſdiction, act only in the king's name: all authority relative to the execution of the laws, being repoſed in him alone.

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In the work mentioned in the preface, we have ſhewn, that in republics the magiſtrates ought to be appointed for a limited time only, that they may not acquire too great an authority over their equals; becauſe equality forms the baſis of ſuch governments. In monarchies, on the contrary, they ought to be for life, to ſecure their liberty and independance in the adminiſtration of juſtice. When the preſent king came to the throne, they held their commiſſions only at the king's pleaſure: and many examples prove, that the king's pleaſure, had more power over them, than the ſenſe of their duty, in executing the laws. His majeſty, moved by a principle of goodneſs, and juſtice, conſented, or rather promoted a law, which conſtitutes the magiſtrates for life; unleſs convinced of having violated the laws of their country; and conſequently rendered themſelves incapable of being entruſted with the execution of them. He will therefore deſerve the praiſe and gratitude of the lateſt poſterity. By having the diſpoſition of employments, he has, indirectly, that of the revenues, excepting that part alone, which is deſtined to pay the intereſt of the national debt. So that his influence is very extenſive, and encreaſes daily with the luxury and corruption of the members, who compoſe the two houſes. There is no me-

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If a man enjoys two employments, which require any degree of application, it is impoſſible he can acquit himſelf of his duty. No penſions ſhould be granted to any man, unleſs he is rendered incapable of ſerving his country any longer by infirmities; when it would be cruel to take a man's bread from him when he has ſerved his country, and can do it no longer. The miniſtry, by ſquandering the public money, like the prodigal ſon, will ſoon have nothing more to give; and therefore infallibly loſe their influence. The late lord Orford was ſingularly laviſh in this kind; it was he who firſt reduced corruption to a ſyſtem, which, of all his politics, is the only thing his ſucceſſors have followed, and greatly improved. No man ever trampled ſo much upon decency and propriety, as this all-powerful miniſter. He united in his own perſon places which, by their very nature, are incompatible: as thoſe of firſt lord of the treaſury, and chancellor of the exchequer; the latter being deſigned as a check upon the former. Though theſe principles of diſtributing employments to many perſons, are quite republican, yet, in a mixed government, they tend to arbitrary power. Indeed the more they are contracted, the ſooner the conſtitution degenerates into abſolute monarchy; becauſe the fewer they are, the eaſier they are cor-

rupted. The miniſtry, by this means, obtain whatever they pleaſe, provided they do not openly attack the conſtitution in ſuch a manner as to awake thoſe, whom luxury and corruption had lulled to ſleep. With a little phlegm and prudence, the miniſtry would eaſily ſeduce a rich and corrupted people. It is therefore a wanton imprudence in thoſe who aim at deſpotiſm to rouze the people from their lethargy, by an inſolent abuſe of power, which offends even thoſe who feel the leaſt for the liberty of their country. In general ſuch a miniſter fails in his enterpriſe, and draws ſo many difficulties upon himſelf and his maſter, as are not eaſily ſurmounted. It is in vain for him to get his conduct approved by parliament; for he only adds to the crime itſelf, that of having, with the nation's money, corrupted the members of the legiſlature.

The king has likewiſe the power of making peace or war: but he ought, for his own ſake, to uſe it moderately, becauſe the money neceſſary to carry on a war depends on parliament; he muſt not therefore undertake it without juſt and neceſſary motives; he ſhould even be ſolicited by the general voice of the nation.

A peace, good or bad, never fails of being the object of enquiry and diſputes in both houſes. The miniſtry always exert

influence to procure the approbation of both houſes, in order to ſecure themſelves from its conſequences. This indeed may quiet them for the preſent; but does not by any means preclude either houſe, from making it the ſubject of a future enquiry, which they always have a right to do; as they have to diſcuſs any other matter whatever. The miniſtry, ſedulouſly conſtant in engroſſing all power to themſelves, affect to ſow diffidence and diſcord between the king and his people, whom they would have him conſider, rather as enemies than faithful ſubjects: nor would they ever conſult the parliament, unleſs their concurrence was neceſſary to procure money, or paſs ſome favourite law. They uſe their utmoſt efforts to hinder the national council from interfering in public affairs, excepting when, from indolence, ignorance, or timidity, they do not chuſe to act by their own authority: they are always crying out, "You meddle with what does not belong to you; you encroach on the prerogative of the crown:" as if a king could have any affairs which are not eſſentially connected with thoſe of the nation; or any prerogative, but for the common advantage of the ſubject: he alone, ſay the miniſtry, has a right to do this, or that. Even the privy council is too numerous for theſe gentlemen; becauſe among the many,

there will always be found ſome, who are guided by reaſon and juſtice, and therefore are unfit to be conſulted by thoſe, who do not want advice, but approbation. They muſt therefore have a cabinet council, or junto, compoſed of five or ſix perſons, their creatures, by whom the national buſineſs is conducted. The favourite of the day is the ſole and abſolute maſter of this junto; ſo that, in fact, he is a grand viſir, for *favourite* and *viſir* are ſynonimous terms. The king, beſieged by the favourite, and his friends, can never know the true ſtate of things; much leſs, the ſentiments of the nation upon the meaſures they are purſuing in his name: petitions are libels, and the authors a vile faction, who deſerve his majeſty's indignation. The favourite exerciſes the moſt deſpotic power over thoſe who preſume to oppoſe his tyranny; deprives honeſt and able men of their employments, ſeduces ſome, and intimidates others; ſo that no one can oppoſe a ſufficient reſiſtance to his injuſtice and violence. The laws, corrupted by the infamy of thoſe who ought to protect them, and ſee them duly executed, become, in their venal hands, an inſtrument of oppreſſion. The king therefore, if not extremely prudent, and an able judge of the characters of men, is ignorant of the evil, until he has loſt the affections of his people; and, when it is often

often too late to apply an adequate remedy.

Of all the misfortunes which can happen to the king of a free people, the greateſt is that of having a favourite, and of being governed by him, which is always the conſequence. Lewis the XIVth, having been diſappointed in all his favourites, uſed to ſay, 'I endeavoured to make myſelf friends, 'truly attached to my perſon, and glory; 'but I found only ſelfiſh and intriguing 'courtiers.' It is hard to determine whether a favourite, in or out of the miniſtry, is moſt hurtful to a nation. If the favourite is out of the miniſtry, he, and thoſe he places about his maſter, are for ever exclaiming againſt the adminiſtration, who loſe all influence with the king, directed by his favourite. Diſunion and confuſion enſue in every department. Many are more attached to their own intereſt, than to the good of the nation. Theſe, finding their companions have no credit with the favourite, ſteer their courſe accordingly, and are ſo far from concurring with thoſe who aim at nothing but the public good, that, on the contrary, they make their court to the favourite, and oppoſe the miniſtry, ſo that they muſt reſign for want of ſufficient credit to carry on the public buſineſs. A ſucceeding adminiſtration,

tion, unleſs intirely devoted to the favourite's views, muſt ſoon, for the ſame reaſons, give place to another; and ſo on, till one ſcarce knows who are the miniſters. In ſuch a fluctuating ſituation, it is eaſy to perceive, that the government is a real anarchy, without any ſyſtem either at home or abroad. Hence proceed that uncertainty and inconſequence which diſtinguiſh the Engliſh above any other nation in Europe. A favourite is moſt particularly jealous of thoſe, who diſtinguiſh themſelves by their talents and virtue, and never reſts until, by calumny and artifice, he forces them from their ſeveral departments; ſo that the king is deprived of their counſels, and muſt therefore be adviſed by thoſe, who are perhaps the leaſt qualified to aſſiſt him. In ſhort, a favourite, out of employment, is an invincible obſtacle both to the happineſs of the king and his people, which ought to be conſidered as one and the ſame thing. If ſolicited by his own ambition, and that of his flatterers, he takes a part of the miniſtry, he muſt be ſole maſter: with this view he turns out every perſon, particularly thoſe of abilities, that he may replace them with his favourites, who concur in all his views: ſo that, in a ſhort time, for want of genius and honeſty, the nation is reduced to the loweſt ebb of miſery. Having all the power centered in himſelf, he

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makes no other uſe of it, than that of adding inſult and oppreſſion to the misfortunes he has drawn on his fellow-ſubjects. The talents which conſtitute a favourite, are generally ſo incompatible with thoſe of a good man, and an able ſtateſman, that we have ſcarce any example in hiſtory of a favourite who was an upright and able miniſter. Sully is perhaps the only one. But his maſter, trained up in the ſchool of adverſity, had learned to know mankind, and was great enough to honour and employ thoſe who were at once both virtuous and able to conduct the affairs of government. Queen Elizabeth's miniſtry were favourites, becauſe they were able ſtateſmen. A favourite, out of employment, hinders others from ſerving their country; and, when employed, ruins the nation from a want of talents and integrity. If the honour and intereſt of the kingdom requires that a war ſhould be undertaken, or continued, a favourite, ſenſible of his want of abilities, and popularity, feels he cannot carry it on, and therefore a peace, no matter of what kind, muſt immediately be procured. A vanquiſhed enemy, deſtitute of reſource, muſt be courted, and every motive of national intereſt, and glory, ſacrificed to the weakneſs of an ambitious favourite, the preſervation of whoſe power is made the only rule of public meaſures.

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Of this kind were Fleury, Walpole, and ſome others of a later date. Another favourite of a different turn, who hopes to augment his power and fortunes, by the troubles inſeparable from war, is ever exciting his maſter to break with ſome power, ſuch were Louvois, Belleiſle, and Buckingmgham. So that a favourite, whether pacific or warlike, is equally fatal to his king and country. We ſhould be always diffident of a man who tells us, never to truſt any but himſelf and friends; we may juſtly believe, that ſuch a man is only animated by envy, and the love of power, becauſe he muſt either be a moſt impudent impoſtor, or a fool, who would perſuade me that a few people alone, in a whole nation, are fit to be truſted. A prince, in the choice of a favourite, ſhould imitate Pharamond, who is ſaid to have called a man he eſteemed, and ſaid to him, 'Be my friend, 'and that you may always continue to be 'ſuch, I give you wherewith to live handſomely, upon condition you never aſk me 'any favour for yourſelf, or others; tell 'me only, when I do wrong, or neglect to 'do what is right.' Such ought to be the favourite of a wiſe and able prince, and whenever the favourite deviates from theſe principles, the prince may be aſſured he has been deceived, and ſhould therefore diſcard him. In a free government, where

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the confidence of the people is the ſtrongeſt and only bulwark of the king's ſafety and glory, if his miniſter be unpopular, though evidently an able and good man, prudence requires, he ſhould be employed far from court, on ſome embaſſy or other employment.

Though in a free government, the laws are very numerous, yet there often happen extraordinary caſes, which could not be foreſeen, nor provided for. It is therefore neceſſary there ſhould be repoſed in ſome perſon, ſufficient powers to act according to the circumſtances of any extraordinary event. This power conſtitutes the third ſpecies which, we have obſerved, form an eſſential part of the prerogative, which is precluded from all authority over thoſe caſes ſpecified by the laws. If for example, an enemy ſhould appear upon the coaſt, the king, as ſupreme magiſtrate, and commander in chief, may, without paying any regard to the laws, take every meaſure, he thinks proper, for the ſecurity of the nation. Such as deſtroying villages, fields, or cattle. In the ſame manner, in caſe of a ſedition or popular inſurrection, which oppoſe the execution of the laws and by violence and diſorder diſturb the publick tranquility, the king may, and ought, to employ the military force to aſſiſt the magiſtrate: for the army is no leſs deſtined to

ſecure the interior, than exterior peace of the kingdom: every man who violates the laws of his country is no leſs an enemy, than a ſtranger, who comes with an army to invade it. If the civil power has not ſufficient authority to execute the laws, the king muſt, as ſupreme magiſtrate, give him all poſſible aſſiſtance. In ſhort, in all thoſe evils which the laws cannot remove he muſt do it by his prerogative: for every ſpecies of power neither has, nor can have, any other object, than the general advantage of the ſubject. So that the king in particular, as well as all thoſe intruſted with power, are obliged to ſee the laws dulyexecuted: and when any unforeſeen accident happens, which they cannot remedy, they muſt, according to the ſpirit of that general law, which is the baſis, and includes all others, *Salus populi ſuprema lex eſto*, provide by their own authority for the publick ſafety. This prerogative is founded upon reaſon and neceſſity, and therefore juſt.

The king has likewiſe the power to deprive all military officers of their employments: which ſeems incompatible with, and contrary to, natural juſtice, unleſs by their crimes, or incapacities, they become unworthy of the truſt repoſed in them. For it is unjuſt to inflict a puniſhment, where there is no crime, beſides the mili-

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tary in England belongs to the nation, who pays them; and by no means to the king, who is only their chief. This abuſe is contrary to the ſpirit of the conſtitution; becauſe the king thereby acquires an unjuſt influence over the votes and liberties of parliament; of which many officers are members; and, who having no other means to provide for themſelves and families, rather than be expoſed to miſery muſt concur in all the meaſures of the miniſtry, however inconſiſtent with their own ſentiments, and the good of the publick. With regard to thoſe who are paid out of the king's civil liſt and are employed as his own ſervants, he can, like any other man, diſpoſe of them as he pleaſes; becauſe if he makes a bad choice, he is the only ſufferer.

The king has likewiſe the power of creating peers, but not of depriving them of the privileges annexed to their dignity. By which means, he acquires great influence on the commons: becauſe many of the members, being men of genius, and eloquence, often embarraſs and oppoſe the views of the miniſtry: theſe excited by ambition, are eaſily prevailed upon to accept of a peerage, and to become ſubſervient to the crown, and uſeleſs to their country. Raiſed to a ſuperior claſs, they adopt the ſentiments of it; naturally inclined to royalty and jealous of the commons. This

houſe being at preſent compoſed of many members equally diſtinguiſhed by their talents and riches, ſeems to have taken the lead of, and acquired a certain ſuperiority over, the lords: for which reaſon, I ſuppoſe the king thought it neceſſary to create a great number of new peers, by which means he increaſed their power at the expence of the commons. The more numerous any aſſembly is, the leſs influence the king has over it, becauſe, as Machiavel obſerves, *few are corrupted by few.*

Though the lords have been thus greatly increaſed, the king's influence over them will always be very great, becauſe the ſixteen ſcotch peers and the biſhops in particular, whoſe fortunes depend more immediately on his favour, will generally concur with the views of the miniſtry: ſo that for this reaſon, and this general propenſity to royalty, there is little probability they will ever ſide with the commons againſt the crown. The great employments he confers upon the latter, ſecures him an influence in that houſe, which increaſes with the luxury and wants of its members; ſo that his power might augment to a degree that would endanger the liberty of the conſtitution. The king has likewiſe the power of diſſolving the parliament whenever he pleaſes; which being exerted at a critical moment by Charles the ſecond, ſaved his

crown, and may therefore be ſometimes equally advantageous, to the king, and the people.

CHAP. III.

Of the Privileges of Parliament.

THE privileges of parliament are founded upon the neceſſity of ſecuring the liberty and independence of the members that compoſe it. Otherwiſe, it would ſoon become, an inſtrument of oppreſſion: and the more cruel, as it would authoriſe, by the formalities of the law, the arbitrary will of a tyrannic maſter. We have a thouſand examples of this in the hiſtory of different nations, whoſe members were vicious and corrupted. It is therefore of infinite conſequence, that no perſon whatever, ſhould have an unjuſt influence over the votes of thoſe who form the conſtitution.

According to theſe principles, the tribunes of the people, in the Roman republick, were deemed ſacred: divine were added to human motives, the better to ſecure their perſonal ſafety and independence. This privilege however neither did nor could be extended beyond the exerciſe of his function as tribune: in all the reſt he was only a citizen; and, as ſuch, ought to be

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ſubject to the penalty of the laws if he had violated them.

The love of power always, however, excited them to confound and identify the double characters of tribune and ſubject, an action incompatible with order and the publick good. The crimes of the *man* were ſupported by the power of the *tribune*. This abuſe went ſo far as to cauſe the greateſt violences and injuſtice. They continually mixed the ideas of the *man* with that of the *magiſtrate*, and like tyrants, treated thoſe who oppoſed their violence as criminal, and whom therefore they endeavoured to puniſh accordingly. In England alſo every thing is become a breach of privilege, wherever a member of either houſe is concerned. If ,for example, a member owes me money, the laws very wiſely, preferring the national intereſt to that of an individual, prohibits any violence from being offered to his perſon, during the ſitting of parliament, while he is ſuppoſed to be employed in the buſineſs of the nation; the lords indeed enjoy this privilege at all times; nor can they be arreſted in perſon, except when they are ſuppoſed to have committed ſome crime deſtructive of the public peace. Then indeed if the lord, or member, is ſitting, the magiſtrate lays before the lords the motives for which he begs leave to arreſt the perſon accuſed, and

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which they cannot refuſe, without violating the laws, by ſtopping the courſe of juſtice: that is, without becoming tyrants and public enemies. For ſuch muſt be deemed any man, or body of men, who hinder the magiſtrate from executing the laws; and ſhould they therefore refuſe to deliver the perſon claimed, he may ſeize him wherever he finds him. The abuſe of privilege, has been, of late, carried to ſuch lengths that a member thinks himſelf exempted from the quality of a ſubject, and the penalties of the laws. You can have no diſpute with them even the moſt trifling, and unconnected with their characters as members, without being called before the houſe, whoſe judgment is generally directed by the ſenſe of power and revenge, rather than by the rules of equity and juſtice. According to reaſon, no member ſhould, nor is, in fact, entitled to any other than perſonal privilege and liberty, during the ſittings of parliament. For in all other caſes, he is only a ſubject like any other man. Notwithſtanding which, we have many examples of people being called before the houſe and ſeverely puniſhed for ſome perſonal diſpute with a member. Nothing can be more abſurd or injuſt, than to ſuffer a member to violate the laws in my perſon, and not only eſcape the puniſhment he may deſerve, but pro-

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cure my being called before the houſe, to whoſe arbitrary ſentence I muſt ſubmit, or be impriſoned and ruined. If I offend a member, provided I do not hinder him from aſſiſting in parliament, I offend only a ſubject, and not a national agent. The law has provided a remedy, and I am ready to ſubmit to its deciſion. Nothing is more juſt, and conformable to the idea of a free government, which neceſſarily precludes all arbitrary proceedings. Yet he can proſecute me at common law, and, at the ſame time, call me before the houſe: ſo that I may be puniſhed there, though I have a verdict in my favour in a court of juſtice. Whatever injury I may receive by the houſe, I can have no remedy at law, becauſe they do not form a body corporate; nor can I appeal from their deciſions, becauſe they are not a court of juſtice. Conſequently we muſt ſuppoſe they are poſſeſſed of an arbitrary power; at leaſt ſuch is their pretention, confirmed by their practice, contrary to all idea of civil liberty. For if any body of men can do what they pleaſe without being reſponſible to any other power, it is plain, they are deſpotic. It is the height of abſurdity, and injuſtice, that any body of men, ſhould, without form or proceſs, puniſh a man, who has not violated any law; and if he has, he can be ſubject only to the penalty impoſed by it;

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otherwiſe it is a deſpotiſm, and by no means a free government, which ſuppoſes that no man can be puniſhed but by the law; and that no one can be a judge in his own cauſe; which maxims, founded on reaſon and juſtice, they preſume to violate, and openly aſſert an abſolute power over every caſe they chuſe to think regards themſelves; without conſidering that every member of the houſe, and every other man, is a ſubject, who can by no power upon earth be juſtly deprived of his rights, eſtabliſhed equally on natural, and poſitive laws. As they together compoſe a part of the legiſlation, their power can extend to nothing more than the formation of laws; and their privilege no farther than to ſecure a perfect liberty and independence in giving their votes, and tranſacting the buſineſs of the nation. In every other circumſtance they are like the reſt of the people; they are mere ſubjects; and as ſuch anſwerable for their actions before the proper tribunal. If the legiſlative power, or any part which compoſes it, interferes with the functions reſerved to the magiſtrate alone, public liberty is loſt, and law and juſtice nothing more than empty names. Of all mankind, none have a greater intereſt in obſerving the laws, than thoſe, who form them. It is their own work, which, for their own dignity and importance, they

ſhould inviolably obſerve. Yet, by a contradiction too natural to ambition, they always endeavour to abuſe them in the perſons of others, whom they would ſubject not to law, but to their own arbitrary power. As things have gone lately, I ſhould not be ſurpriſed to ſee the members plead their privilege to avoid paying their juſt debts, and commit every ſpecies of violence, with impunity.

The houſe of lords, enjoys many particular privileges, founded upon laws torn from the weakneſs of the princes and the miſery of the people, which formerly they abuſed to the utmoſt exceſs. The *ſcandalum magnatum* proves the truth of this aſſertion: the remains of the feudal government and tyranny to which the people were always, and the princes often, victims. It was a real anarchy and tyranny, and the more cruel, as many perſons had a right to exerciſe it. If we conſider only the ſpirit of a free government, no part of the legiſlative power, much leſs any other man, ſhould enjoy any other privilege but what is neceſſary to ſecure the perſonal ſafety and liberty of the members, while they are employed in tranſacting the public buſineſs, all other privileges, excepting ſuch as are meerly *ad honorem*, are incompatible with civil and public liberty. Both houſes, particularly the commons, aſſume a ſole and exclufive

excluſive right over their own members, which they extend to elections and whatever relates thereto, and even puniſh arbitrarily whom they pleaſe, for having interfered in them, which ſeems very ſtrange, becauſe the laws have provided a proper remedy, and no man can, conſiſtently with the notions of a free government, be puniſhed but for having violated the law, and then only, by the proper magiſtrate, whoſe ſentence is determined by the ſame law; and when that law is ſilent, no man can inflict a puniſhment, unleſs he is deſpotic: indeed many of the pretentions and proceedings of the commons are intirely deſpotic. They call any man before the houſe, they puniſh him though he has offended no law. They fine and impriſon him for an unlimited time, till he ſubmits to their arbitrary will, and there lies no appeal to any tribunal whatever. Pray what is deſpotiſm? It is exactly this, and has been wantonly exerted againſt the liberty and property of the ſubject. The object of this, and every other privilege, can be no other than to ſecure, not only the liberty and independency of the members, but alſo of the electors. For if theſe are not free, it is impoſſible the others ſhould be ſo. This extenſive privilege has been permitted to the commons, becauſe they were ſuppoſed to be particularly jealous of

the freedom of their members, and would therefore be more tenacious in its defence, than any other tribunal, who might, for many reaſons, be induced to deviate from that principle of liberty, on which the freedom of parliaments eſſentially depends. The commons themſelves were therefore very juſtly intruſted with the power of deciding many caſes, which relates to elections. But they have extended it beyond all bounds, in aſſuming a right, even in thoſe caſes which are ſubject to the common law. What can be more inconſiſtent with law and reaſon than to puniſh a man by the arbitrary power of a majority, whoſe deciſion is only founded on force, and is no otherwiſe valid than becauſe they are the ſtrongeſt. So that, if in a ſimilar caſe, another majority ſhould decide the contrary, that deciſion would be equally lawful; becauſe it is founded on the ſame principle of force. But if we conſider the nature of a free government, it will appear that every deciſion founded on a majority, unleſs particularly authoriſed by law, is deſtructive of liberty; and therefore intirely deſpotic. In order to tranſact buſineſs brought before a numerous aſſembly, the law very wiſely determines, that a majority, or any number more than a majority, ſhould be deemed the ſenſe of the whole body; otherwiſe nothing could be ever concluded: but this ſuppoſes that

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the laws have provided no remedy. For if any body of men can interfere with the laws, it is plain that ſuch a body of men aſſume the whole legiſlative power, which alone has a right to change the laws; but cannot interfere in the execution of them, without becoming tyrants: for ſuch, in reality, is the man who acts contrary to a law made by the legiſlative power, which muſt remain in force, until it is repealed by the ſame power. And when the legeſlative power is compoſed of many parts, neither of theſe ſeparately has any more power over the laws than any other individual.

The commons likewiſe aſſume the power of expelling any member at pleaſure, in which they acknowledge neither poſitive laws, nor even thoſe, which form the freedom of the conſtitution. A majority decides arbitrarily of the liberty and property of the ſubject, and even of a whole province. Of all the privileges they arrogate to themſelves, none is more abſurd and unjuſt, or more fatal in its conſequences, than this. It is contrary to every notion of natural right, and a free government, of which it ſaps the very foundation. It is eſſential to the independency of parliament, that every member of it ſhould be perfectly free; and upon this very principle every privilege is founded. And yet

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the commons themſelves dare violate it in the moſt deſpotic manner. Where is the freedom of parliament, if it is admitted that any power upon earth has a lawful right to deprive a member of his ſeat, upon no other foundation, than becauſe a majority, or rather force, has been pleaſed to do it? Upon the ſame principle, a majority may exclude the whole minority, until two members only remain, to repreſent the whole nation. For where the deciſion of a majority is in itſelf a law, they have a right to diſpenſe with, and act contrary to the laws, in every caſe where a member is any ways concerned, and which, by the ſame power, they may extend as far as they pleaſe. So that a member, as ſuch, loſes all the rights of a ſubject, though at the ſame time he lays under the penalty of the laws, which have a right to puniſh, though they have not the power to protect him. This doctrine ariſes naturally from the privilege the commons aſſume of expelling a member; but is contrary to natural right, to the poſitive laws of the kingdom, and in particular to that which forms the liberty of the conſtitution. 1. Becauſe a member of a particular ſociety, where the intereſt of the individuals which compoſe it is alone concerned, cannot, without violating the law of natural equity, be expelled, unleſs he

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refuſes to conform to the regulations of it; or has committed ſome crime, which renders him unworthy to be continued any longer a member of it, otherwiſe his expulſion, muſt be conſidered, as the effect of force and violence, and therefore is unjuſt. A member of the houſe of commons is a publick agent, elected, according to law, to tranſact the affairs of his conſtituents: he cannot therefore be excluded from the national council without violating the fundamental laws of the conſtitution; which require and command him to aſſiſt perſonally in parliament. Unleſs he has committed ſome crime, for which the law has, by its ſentence, deprived him of his life, which is the only caſe, as the law now ſtands, that can vacate his ſeat in parliament and which authorizes his conſtituents to elect another in his room. For if the ſentence does not extend to death, the member having complyed with it recovers all his rights, both as a member and as a ſubject: otherwiſe he would be puniſhed, not by the law, but by arbitrary and deſpotic power; which alone can extend a penalty, without any regard to law or equity, and puniſh a man for a ſingle and inconſiderable fault with unbounded tyranny. And therefore ſuch an expulſion would be contrary to equity, and to that very law which forms the liberty of the conſtitution.

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The houſe of commons cannot take cognizance of any crime which a member as a man, and a ſubject, has committed, without infringing at once on the power of the law and that of the magiſtrate, who alone is authorized to puniſh him, in virtue of that law which he may have violated. It is eſſential to juſtice and civil liberty, that no man ſhould be puniſhed until he has been tried, and convicted, in due form of law, which the magiſtrate alone has a right to do. The commons therefore, in expelling a member, for any cauſe whatever, violate the laws of natural juſtice, by inflicting a puniſhment upon a man who has not been proved guilty of any crime, they likewiſe violate the poſitive laws of the land, by condemning a man contrary to the eſtabliſhed forms, which preſcribe that he ſhould be tried by his peers alone, and puniſhed according to law. Nor is there any tribunal, which can proceed in any other manner, without ſubſtituting deſpotiſm for law. They likewiſe violate the laws, in aſſuming the power of judicature; for they are neither magiſtrates nor court of juſtice: and only a part of the legiſlative power; and whoſe authority is confined to the framing of laws. The magiſtrate alone can take cognizance of, and puniſh crimes, always, however, as the law directs. Whereas the houſe of commons in their determinations

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exert an arbitrary power over the perſon and property of a member, who never ceaſes to be a ſubject contrary to the eſtabliſhed laws of the kingdom; which preſcribe both the *manner* and the *degree* of puniſhment. They likewiſe overturn the conſtitution by depriving a member, and conſequently his conſtituents of their fundamental rights; upon which all liberty depends. Nor is this power of depriving a member or a ſubject of his rights excluded from the houſe alone; even a law which did it would be unjuſt, and contrary to equity: becauſe no man can be juſtly deprived of the benefit of the laws, unleſs it be legally proved, that he has violated them. The power of the houſe of commons over its members is, like that of any other ſociety, which cannot ſubſiſt, unleſs order, and method be obſerved in tranſacting the buſineſs of it. Neceſſity therefore requires, that they ſhould have a proper power to eſtabliſh rules for the conducting of affairs, and to inforce obedience to them, otherwiſe nothing could be done. But this power cannot be extended farther, without interfering with the laws, to whom alone a ſubject is accountable for his actions. Nothing can be more imprudent than to permit the commons to exerciſe this unlimited and unwarrantable power. The example of Cromwell ſhews

the bad tendency of it. For by expelling one member after another, the commons were reduced to two hundred, who pretended to have the whole legiſlative power centered in them. If the king, or lords, for example, ſhould order the commons to expell this or that member; it would be the moſt daring breach of privilege, and as ſuch, the commons would certainly reſent it. How then can that be juſt in them, what would be a real crime in another? For they can no more deſtroy their own privileges than any other man, becauſe their privileges are eſſentially connected ſo cloſe with the liberty of the conſtitution, and the rights of the electors, that you cannot touch the *one*, without deſtroying the *other*. The privileges of the houſe are founded on this one principle, *viz.* that of preſerving the privileges and rights of the ſubject. So that the violation of the one, neceſſarily implies the violation of the other. A law that would diminiſh the liberty, or independency of the electors, or members, would be eſſentially unjuſt. How much more ſo, if a particular body pretended to exert ſuch power.

Charles the Firſt and James the Second loſt their crowns, for having attempted to diſpenſe with the laws, and diminiſh the liberty of parliament: and yet certainly they had as good a pretence as the commons

mons can poſſibly have. The truth is, that no body of men, or power whatever, can diminiſh the liberty of parliament, or diſpenſe with the laws, without deſtroying the conſtitution. The lords never pretended a right to expel a member, which however would be leſs criminal, than in the commons, becauſe the injury would extend only to the perſon of the lord whoſe right would be violated; whereas the commons injure the rights of every elector of the kingdom in general, and thoſe of the province whoſe member they expel, in particular. They have of late carried their deſpotiſm ſtill farther: they have not only expelled a member, but admitted another in his room, who was not elected at all; and have eſtabliſhed a precedent which, if admitted, muſt deſtroy every idea of a free conſtitution. They ſay, that the member admitted was duly elected, having a majority of votes; becauſe the perſon who had the real majority, could not be elected, and the votes for him were conſidered as nothing. Why ſo, I aſk? Is he diſqualified by the laws? No ſuch thing; he has the qualifications required, and was legally elected. But we have declared him incapable of being elected. In that caſe you ſuppoſe that a reſolution of a majority of your houſe, can diſpenſe with, and is ſuperior to the moſt fundamental laws of the con-

ſtitution. This indeed is inſulting common ſenſe, as well as law. You have not even the leaſt power over any law whatever, but as part of the legiſlative power; and then only to ſay, *yes*, or *no*. If you can act contrary to law, in one caſe, pray why not in any other? If a reſolution of the houſe is ſuperior to law in this particular caſe, you may, by following theſe principles, expel any member lawfully elected, and admit in his room a candidate who ſhould have one vote alone. To what ſtrange abſurdities, contradictions, and ill conſequences, are deſpotiſm and tyranny reduced, when they pretend to authoriſe violence and injuſtice by cuſtom and precedents? The ſheriff, according to his oath, returned Mr. Wilkes. Was he not qualified? Was it not a lawful election? Yes, no doubt; but we will not have him. We, by our own authority, declare, that the majority of our houſe is ſuperior to any law, and that, hereafter, we will admit as members whom we pleaſe, without paying any regard to the laws of our country, or to the rights of the electors. Even we will chooſe thoſe, whom the electors have rejected. We will attribute to ourſelves the ſole right of election; and we will replace thoſe we expel, with others we like better. We may perhaps perpetuate ourſelves in parliament, and ſo ſpare the elec-

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tors the trouble of choosing members, whom we are resolved not to admit among us. All this would be equally lawful with what they have done, or rather indeed equally contrary to reason, justice, and the fundamental laws of the constitution. If the king does me an injury, the laws have provided a remedy. And shall the commons do me and my constituents the greatest injury possible, and I am entitled to no redress? Absurd! If I was a member, and the speaker ordered me, by force, to be turned out, I would not obey: and, in my own name, and that of my constituents, I would bring an action against him, and all those who acted by his orders; and the law must do me justice. If you think your resolutions are superior to all law, you had better make short work of it, and imitate Cromwell's parliament: vote the house of lords useless and dangerous to the constitution, and so on. It is astonishing that the king and lords can sit tamely, and permit the exertion of such despotism. They are more immediately interested in it, than the subject. The partizans of the commons say, that, by prescription, they alone have a right over their own members. To which I answer, that, in what regards the discipline of the house, it is true; but in every thing else, false, and incompatible with the laws; because

cauſe theſe alone have the ſole right of puniſhing any man whatever, who violates them; and no privilege on earth can exempt him from this penalty impoſed by them. The privilege of a member, and that of the whole body, can extend no farther than to ſecure their liberty and independency, while they are tranſacting the national buſineſs; and even then a member may, by a breach of the peace, or ſome other crimes, forfeit it, and be carried to priſon. Beſides, no preſcription, however long, can render lawful a power, which, in its nature, is contrary to equity, and the fundamental laws of the kingdom. The commons indeed have violated the privilege of parliament, and the rights of the ſubject, by expelling a member legally choſen; ſo that in fact that province is no longer repreſented as the law directs. If ever thoſe in the oppoſition have a majority, they may plead the precedent given them, and expel every member they pleaſe; and eſtabliſh an arbitrary power, as the preſent majority has done, and with equal juſtice. It is to be hoped that the king and lords will concur in inforcing the laws, which make their ſafety, as well as that of the ſubject; and put an effectual ſtop to the unjuſt and arbitrary proceedings of the commons, who, if permitted to make one ſtep farther,

farther, will inevitably overturn the conſtitution, already tottering by the repeated ſtrokes of tyranny.

CHAP. IV.

Of the Advantage of the Engliſh *Conſtitution.*

HAVING ſhewn that the Engliſh government is compoſed of three different powers, it follows, that it enjoys all the advantages of a republic; becauſe nothing depends upon the arbitrary will of either, and where each, ſeparately, is animated by, and formed upon different principles: ſo that, unleſs theſe are corrupted, the conſtitution cannot be deſtroyed. Luxury indeed, by increaſing the wants of the members, may finally contribute to its diſſolution. Civil liberty is the more ſecured, as each member remains always a ſubject, and, conſequently, is, in every caſe whatever, bound to obey the law. He therefore takes care, not to conſent to any which might infringe his liberty; and to which he might himſelf ſoon fall a victim. His wants, which force him to concur with the views of a miniſter, will always be limited by the fear of becoming a ſacrifice to his imprudent condeſcendency. Whenever therefore a miniſter forms projects, which openly

openly violate the conſtitution, the ſhame of contributing to execute them, often ſtops thoſe who are, otherwiſe, inſenſible to the duty of a member; and the more ſo, as the people in general are ſharp ſighted, and jealous, of the crown, which carries them to great exceſſes againſt thoſe whom they believe too favourably inclined to its intereſt. The ambitious views of the miniſtry too often juſtify the violence of the people. This government enjoys all the advantages of a Democracy, without its inconveniences: the people are repreſented by a limited number of deputies choſen by themſelves, and whoſe power is determined by the laws, and by the other two parts, which form the conſtitution. So that, while theſe exiſt, they cannot ſubvert the liberty of their country. It was for this reaſon that Cromwell, to accompliſh his plan of deſpotiſm, began it by diminiſhing, and afterwards extinguiſhing the power of the lords, which procured him an eaſy victory over his king and country. It is, however, certain, that if the civil wars had not given him ſo great an authority over the military, he never could have obtained it. At preſent, when the nobility and gentry have ſeats in the houſe of commons, and are employed in the army and navy, it would be impoſſible for any man whatever to execute an enterprize formed

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againſt the liberty of his country. Luxury and corruption throw the balance rather upon the ſide of the crown.

The power of the lords is balanced by that of the commons; and therefore they cannot attempt any thing to their prejudice, or to that of the crown. Moreover their power is limited to the whole body, as part of the legiſlation: as individuals, they are little more diſtinguiſhed than the reſt of the ſubjects. Since the aboliſhment of feudal anarchy, the perſonal power of the lords is greatly reduced: they can no longer wage war againſt the king, nor hold the people in ſervitude. They have, however, ſtill power enough to hold the balance between the crown and the commons, as the latter have to hold it between the lords and the crown, which keeps that between the two houſes. So that neither has force enough to oppreſs either of the others. The violence of the commons, the ambition of the lords, and the power of the crown, mutually reſtrain each other; and neither can paſs the limits, without meeting invincible obſtacles from the other, which cannot be overcome by force, but may perhaps by corruption. It ſeems therefore impoſſible to form a conſtitution which has leſs defects, and is naturally better calculated to ſecure public liberty, againſt the violence of Democracy, the

ambition of Ariſtocracy, and the tyranny of Monarchy, which are equally excluded, and whoſe different principles ſeem a ſure barrier againſt the effects of their union. The great number of employments the king has to diſpoſe of, gives him influence enough, in both houſes, to carry on buſineſs to a certain degree of order and tranquillity, generally incompatible with mixed governments, particularly if the aſſemblies are numerous. The king moreover having the power of forming alliances, and employing whom he pleaſes in the different departments, without being reſponſible to any one, the government has, in a great meaſure the advantages of ſimple monarchy, which, in general, is incompatible with mixed governments. The executive power being alſo, as we have ſaid, in the king, a certain rapidity and force, enter into the reſolutions of the council, particularly when compoſed of able and popular men. So that, upon the whole, the government ſeems rather a monarchy than a mixed ſtate. The energy and force of it, however, depends chiefly on the ability, integrity, and above all, on the popularity of the miniſtry, otherwiſe no influence ſuffices to carry on buſineſs; diſunion, the neceſſary conſequence of weakneſs and want of abilities, will naturally divide and weaken the councils. The king muſt therefore employ only

only ſuch as are able, honeſt, and popular, otherwiſe he will infallibly loſe his influence and importance; and, inſtead of conducting the helm with a firm and ſteady hand, will expoſe himſelf and the ſtate to many difficulties, which finally may expoſe the one and the other to great danger and perplexity. When the king has not, or will not exert his lawful prerogative in the choice of able and popular men, the government will degenerate into a real anarchy. A nation, in this unhappy ſituation, may juſtly be compared to a ſhip which has loſt the rudder, toſſed about in a ſtormy ſea, till at laſt it breaks againſt the rocks, where the ſhip and crew muſt inevitably periſh. He muſt, above all things, avoid employing men that are unpopular: for, in a free government, the people look with jealouſy and fear on the power of the crown, and become furious, if they ſee a ſubject particularly diſtinguiſhed by the prince, and the more ſo, as talents, humanity, and moderation, are ſeldom the ſhining qualities of a favourite.

Civil liberty, never fails to excite the ſubject to induſtry, being ſecured in the enjoyment of its fruits. By freely following his own genius, he generally ſucceeds in his purſuits of riches: the concurrence of others, animated by the ſame motives, forces him to ſearch new methods, which

may entitle him to the preference. Arts therefore, and manufactures, are brought to a degree of perfection, no where elſe to be found. They are rather finiſhed with ſolidity than with taſte: becauſe the ſubject in general, being richer than in other countries, can afford a higher price, which enables the artizan to give his works completely finiſhed. Whereas in France the people, being poor and vain, their manufactures muſt continually change in the modes: ſo that they are diſtinguiſhed by their good taſte, rather than by their ſolidity. The marine, in England, is not only a ſource of riches, but of ſafety; ſo navigation is carried to a greater degree of perfection, than in any other country whatever.

In a free nation, the laws are extremely numerous, becauſe you cannot, as in ſimple monarchies, repoſe an arbitrary power in any magiſtrate, which may enable him, by good regulations, to anticipate, and prevent the evil, you can only puniſh it. By ſecuring the life and property of the ſubject, the laws are increaſed to ſuch a degree, as in ſome meaſure to become uſeleſs and are rathera ſource of oppreſſion and chichanery, than of protection. It is a miſfortune, that one cannot provide for the ſafety of mankind, without multiplying the means, ſo as often to render them uſeleſs,

leſs, and ſometimes worſe than the evils which they are deſigned to obviate.

No country upon earth, can boaſt of more humanity towards criminals than England, who knows neither tortures, perpetual impriſonments, gallies, or ſlavery. All proceſſes muſt be finiſhed in a few months. The witneſſes are examined in public, and confronted with the accuſed, to whom the laws adminiſter every means, that may contribute to his juſtification. Arbitrary power is excluded, as well in the form of his trial, as in the ſentence which is determined by the laws. The jury, choſe by lot, are alone his judges. I wiſh the ſame indulgence was found in the penalties impoſed on criminals, which, in my opinion, are much too ſevere. The ſpirit of avarice, too natural in a commercial people, has carried the degree of puniſhments beyond the limits preſcribed by humanity and natural equity. All ideas of diſtributive juſtice, are loſt and confounded by the number and equality of puniſhments: death being almoſt a common penalty for all crimes, great and ſmall. The manner of it makes little or no difference. The king's humanity has, indeed, ſaved many, but ſtill the numbers which thus periſh annually, is a real loſs to the nation, and their example neither does nor will diminiſh the number of crimes.

Theſe are eſſentially connected with the morals of the nation, which being generally corrupted, in great and opulent cities, it is in vain to attempt diminiſhing the number of crimes by any penalty whatever: for, while the cauſes remain, the effects become neceſſary conſequences of them. Puniſhments therefore only deſtroy the inhabitants, without diminiſhing the evil. What then? no puniſhments? Yes, but ſuch only as are neceſſary, to hinder any future evil from a criminal, and which may render him an uſeful example to deter others: while he lives, the example lives, and his life may be rendered uſeful to the ſtate. An inanimate and dead being is uſeleſs, and ſoon forgot. The wants of a man are immediate and ſtrong. The fear of puniſhment is diminiſhed by its diſtance and uncertainty, and muſt therefore cede to the firſt, unleſs you diminiſh the ſources from which the crimes proceed, the number of laws and puniſhments will only prove their impotency.

Toleration is a neceſſary conſequence of civil liberty, and I ſhall always conſider it as one of the greateſt advantages of the Engliſh government; freedom of opinion is inſeparable from civil liberty, inſomuch that when I ſee a prince endeavour to eſtabliſh an unity in religion, I conclude he means to enſlave his ſubjects, becauſe the

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one leads to the other. It is on this principle that all Roman Catholic princes, who are more or leſs deſpotic, have proſcribed all other ſpecies of religion, as much as in them lays. In a free government, the legiſlative power muſt never interfere with men's opinions, philoſophical or religious. Their actions alone are ſubject to the laws. It is uſeful there ſhould be a variety of opinions, and none ſhould be excluded, but ſuch as embrace tenets contrary to the principles of a free government. Even theſe muſt be treated with lenity. A variety of opinions always produces an emulation uſeful to good morals. I have therefore conſidered the Quakers, Anabaptiſts, Preſbyterians, &c. as a check upon our clergy, and am not therefore ſorry to ſee Whitfield's doctrine make ſuch a progreſs, becauſe the moral is good. They may call them hypocrites if they pleaſe, which is impoſſible, for the people are never ſuch; provided their conduct is good, it is indifferent to the ſtate from what motive it proceeds. Severity of morals is always conducive to civil liberty, and, I am perſuaded, the people I have mentioned would be the laſt to abandon it: as, on the contrary, corruption of manners leads to tyranny and ſlavery, and thoſe, infected by it, would be the firſt to ſubmit to them.

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The king being, happily, head of the church, the clergy are no longer independant of the ſtate, and maſters of an ignorant people, whom, at pleaſure, they could excite to rebel againſt their ſovereign. The body of the clergy has now no influence on the legiſlative power, excepting the biſhops, who have a ſeat in the houſe of peers. They are too prudent to oppoſe the views of the crown, on whoſe favours their fortunes depend. They might, by complying with the duties of paſtors, and fathers of their flocks, gain the love and veneration of mankind. It is pity they ſhould ſhow ſo great a repugnance for this home-felt glory, and ſo much inclination for the vanities of this world.

The military is, in England, a reſource of miniſterial power rather than of ſafety and defence to the nation. I don't mean this, as an invective againſt that reſpectable body. The valour of the ſoldier and the abilities of many of the officers, claim my eſteem and veneration. I mean only that the army might be upon a better footing, if the commander in chief was at liberty, to conſult merit alone in the choice of thoſe he employs. Parliamentary connections often, I am ſure, force him, to deviate from his own ſentiments, in the diſpoſal of offices. The number of officers, has been augmented, beyond every proportion, with that

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of the ſoldiers, in order to have many places to give the members of both houſes and their dependants, by which means a weak miniſter ſecures their concurrence in his views. I dare ſay, the number of officers in England ſurpaſſes that of the Pruſſian army, ſix times more numerous. If, after the late war, the public good had been alone conſulted, all the reduced officers ſhould have been aggregated to the ſtanding regiments, where they would have done duty, till, by a vacancy, they had been advanced according to their antiquity, without admitting any new officers, till theſe had been all provided for: another plan has been followed, and the nation is now loaded with the expence of maintaining a prodigious number of officers, intirely uſeleſs to their country. The army is filled with young men, who can have brought nothing more than good will into the ſervice, while the old officers forget what they may have learnt. The number of regiments, is by far too great, and that of the ſoldiers too few. The pay and expence of the guards ſtate major, half pay officers, both by ſea and land, would I am perſuaded, be ſufficient to raiſe and maintain twenty thouſand Germans or Swiſs. The cuſtom of ſelling employments in the army is contrary to juſtice and the good of the ſervice: in England

however, it contributes, to civil liberty, becauſe it diminiſhes the influence of the miniſter, who cannot hinder a man from buying in his turn though he ſhould not have any parliamentary connections; whereas if the places were all given it is plain the army would be filled only with the miniſter's dependants. One cannot help being aſtoniſhed at the conduct of the miniſtry juſt before the peace, and even when it was almoſt concluded. The army was incompleat, nor could recruits be raiſed, ſo that there was ſcarcely a regiment which did not want a great number of men. Reaſon and the good of the nation required that theſe ſhould have been compleated; and the number of men, could they be found, increaſed in each company, which would have rendered the army better, and ſaved much money; the oeconomical miniſtry, however contrary to every principle of reaſon, ordered a prodigious number of new corps to be raiſed, whoſe officers were named, but the men were never raiſed: nor do I ſuppoſe it was ever intended; and of all theſe corps none rendered the leaſt ſervice to their country, now loaded with the ſubſiſtance of their officers: I muſt in juſtice except Elliot's light horſe, equal if not ſuperior to any of the kind in Europe.

CHAP. V.

Of the Diſadvantages of the Engliſh Government.

DIſtributive juſtice, is the foundation of a free government in particular: inſomuch, that its preſervation depends upon this principle. It is therefore neceſſary that every man ſhould contribute to the ſupport of government in proportion to the intereſt he has in its preſervation, that is, in proportion to his property; upon this principle, it is equitable and juſt, that each province, or town, ſhould elect a number of deputies or members, in proportion to what they pay towards the expence of the ſtate. Otherwiſe the firſt principles of equity and diſtributive juſtice are violated, and conſequently the force and goodneſs of the conſtitution are thereby diminiſhed. This is too much the caſe in England. The ſmall county of Cornwall, ſends more members than Middleſex, including London, Weſtminſter and the Borough of Southwark; tho' the latter probably pay a hundred times more than the former. A county, or town, which hath five or ſix thouſand electors, ſends two or four members, when a miſerable village with ten or twelve houſes ſends as

many, ſo that it enjoys the ſame power in diſpoſing of the public revenues, and forming laws as the moſt opulent county; which is contrary to natural juſtice, and tends directly to deſtroy the conſtitution. Becauſe the electors of ſuch a wretched village, being poor, and few in number, are eaſily corrupted, and the more ſo, as many of them are employed, as exciſe-men or otherwiſe, under the government. So that a candidate favoured by the court, and a little money is always elected. Being thus choſe he muſt concur in all the views of the miniſter, from whom he expects a place or penſion. Such a member therefore, from the inſtant he enters the houſe is already reſolved to follow blindly the orders of his patron. As the number of theſe mercenary boroughs is very great: the miniſtry, by this alone, are ſure of a third part of the members, which with thoſe they ſeduce by places, penſions, &c. enables them to carry almoſt any point in the houſe of commons. That of the lords ſeldom, or never, refuſes its concurrence with the court. The biſhops and moſt of the peers, enjoy great employments under the crown, and therefore from principle or intereſt, are generally favourable to the miniſtry. So that if the members who compoſe the legiſlative power are corrupted, he governs as deſpotically, as any oriental vizir, and gets any law, however inconſiſtent with

with civil liberty, paſſed; witneſs the game and marriage acts, than which nothing can be more repugnant to the ſpirit of a free conſtitution. The influence of the miniſtry is alſo greatly increaſed by the publick manner in which the votes are given, becauſe many out of fear concur againſt their own ſentiments with the views of the miniſtry, whoſe revenge they might obviate by giving their votes by ſecret ballotting, as at Venice, and at Rome formerly. All enmities and perſonal diſputes are thereby avoided, and men ſee, in the affairs propoſed, nothing but the intereſt and good of the nation, whereas now they conſider chiefly, who ſpeaks, and not what he ſays, and ſo ſeldom weigh matters as their importance and the public good require. The attention of thoſe in the oppoſition is fixed upon the miniſtry, and adherents, whom they watch with a jealous eye, in hopes of finding ſome opportunity to embarraſs them, and hinder them from carrying on the affairs of the nation, and ſo force the crown to change them, and often replace them with their opponents. The miniſtry and their friends, on the contrary, affect to treat their enemies as factious and diſaffected, and ſo mix their own private affairs with thoſe of the king, which often alienates his affections and confidence from thoſe men, who are moſt deſerving of them. In the mean time national affairs are intirely neglected.

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Each party is too much occupied with their mutual animoſities to think of any thing elſe. In ſuch a ſituation, a miniſter though an able and honeſt man, can, neither form, nor execute any plan that tends to the national good; theſe diſſenſions are the cauſe of that inſtability, and inconſiſtency, which are remarkable in the Engliſh government, both in foreign, and domeſtic affairs. No confidence can be repoſed in a court whoſe meaſures are continually fluctuating, nor have we ſcarce ever made an alliance, from which the nation has drawn durable advantages. If the king is firm in the ſupport of his miniſter, his credit with the nation is often thereby diminiſhed, becauſe that firmneſs which reaſon and prudence often juſtifies, is attributed to particular favour and affection for his minion. Even the opinion of favoritiſm will diminiſh his influence with thoſe attached to his perſon and intereſt, who never ſee with indifference any man particularly diſtinguiſhed by their ſovereign; if, on the contrary, he eaſily abandons his miniſters and ſacrifices them to their enemies, they, become more inveterate againſt the crown, as well from envy as from diſappointment and loſs of their places, the new miniſtry, never fail to imitate their predeceſſors, upon whom they revenge, with intereſt, what they had ſuffered. So that a prince muſt have immenſe

menſe talents to govern a mixt conſtitution; whereas in ſimple monarchies, where the whole power is concentred in one man, and ſubmiſſion is the lot of all the reſt, things muſt go as the miniſter directs; ſo that if he is honeſt and able, he can do more good than in republics, and if the contrary more harm. In theſe laſt, there is no where lodged a ſufficient power, to direct and harmonize the diſcordant parts of the machine. The ſprings, being weakened by corruption, can no longer communicate that conſtant and regular action, which forms the force of every well regulated government; of which, in England, ſcarce any thing more than the exterior figure and form remains; as in the Roman republick, when, the people animated by the ambition of individuals, threw every thing into confuſion, and though the forms were preſerved, yet in fact it was a real anarchy, where force alone diſtinguiſhed the rights of mankind. Such a government could not ſubſiſt long, and therefore gave way to deſpotiſm under the Cæſars. Theſe alſo preſerved the ancient forms, but liberty was extinguiſhed. In England, and indeed in all free governments, if the members are corrupted, their union, as well as diſunion, contribute equally to the deſtruction of public liberty.

From what we have ſaid, it follows, that foreign affairs are little ſtudied or underſtood.

derſtood. The great and only talent required, is that of knowing how to manage the houſe of commons, and elections. That of an able negociator, acquainted with the intereſt of the different powers, and of the connections we ought to have with them, is no ways eſteemed; compared with the former, who obtains whatever he pleaſes. Nothing ſhews the power of money ſo much, as that the firſt lord of the treaſury ſhould be deemed the prime miniſter, which in fact he is, though by his office no way connected with foreign affairs; becauſe he has the diſpoſal of all the public money. In ſuch circumſtances, the nation enjoys neither tranquility at home, nor influence abroad, which is the fate of mixed governments: becauſe the more extenſive civil liberty is, the leſs will be its force. It is impoſſible to combine theſe two things, being by nature incompatible. The force and activity of any government is in an inverſe proportion to the number of parts which compoſe it. A monarchy therefore has, in this particular, infinite advantage over a republic. The whole power being concentred in one perſon, he can direct the national force to any one object; whereas in mixed governments, the parts which compoſe it, from principle, or paſſion, are of too heterogeneous a nature ever to be united in their views. The machine therefore

fore moves ſlowly and irregularly; and, by the leaſt accident, its activity is ſtopped. So that a monarchy ſeems particularly adapted to action, glory, and conqueſt; and mixed governments to peace, liberty, and domeſtic happineſs; which therefore ſhould ever be the views of a good miniſter, in a republican and free government.

Although the number of members in both houſes conſiſts of above ſeven hundred, yet the miniſter is abundantly ſupplied with the means of ſecuring a majority in his favour. So that, in fact, they ſeem aſſembled only to authoriſe his proceedings by the formality of the laws. The qualifications required in the electors and elected, are too often a mere deceit, which cannot be eaſily diſcovered, or puniſhed; and even ſuch as were eſtabliſhed when money was at leaſt three times more ſcarce than at preſent. Reaſon requires, that the qualifications ſhould be augmented in that proportion. It often happens, that a man, without a farthing in the world, procures a ſimulated qualification from ſome great man, in whoſe views he muſt concur, or ſtarve. While the parliament is compoſed of many ſuch members, whoſe ſubſiſtence depends entirely on the favour of the miniſter, it is evident that the ſhadow only of liberty remains, and that the ſubſtance will ſoon be extinguiſhed.

The houſe of commons at preſent ſits for ſeven years; a period too long, and almoſt incompatible with the ſpirit of a free government: becauſe a member, by concurring with the views of the miniſtry, hopes to reimburſe whatever his election may have coſt him; and at the ſame time procure ſome lucrative employment, that may ſupply the wants, to which his luxury and extravagance have reduced him. So that, from principle or neceſſity, he muſt become a ſlave. Corruption and ambition have however this one advantage, that the miniſtry cannot employ all the members, ſo that many are always againſt him, and to the utmoſt oppoſe his views.

The crown has power enough to corrupt and ſeduce the members, but not enough to oppreſs the conſtitution, or reſtore it to its primitive vigour and principles. The miniſtry, greedy of power, will extend it on the ruins of their country. Luxury and corruption will facilitate their victory. Perhaps ſome violent ſhock at home or abroad; perhaps a national bankruptcy, or an unſucceſsful war, would reſtore health and vigour to the conſtitution. Perhaps, on the contrary, they would totally overthrow it. It would wholly depend on the good or bad uſe made of ſuch public calamities. A certain degree of poverty produces an equality, which alone can render a free government durable.

CHAP.

CHAP. VI.

Methods propoſed that may contribute to perfect the Conſtitution.

1. THAT the counties alone ſhall henceforth have a right to ſend members to parliament.

2. That each member ſhould poſſeſs, in the county for which he is elected, at leaſt twelve months before the election, twelve hundred pounds a year.

3. That each elector ſhould poſſeſs, ſix months before the election, five pounds *per annum*.

4. That every county ſhall ſend a member for every three thouſand pounds *per annum* it pays land tax, which, at four ſhillings in the pound, would increaſe the whole number to above ſix hundred and ſixty.

5. If it ſhould be found impoſſible to eſtabliſh this ſyſtem, and deprive the towns and cities of the privileges they now enjoy; thoſe, at leaſt, which do not pay three thouſand pounds *per annum* land tax, muſt be excluded. And thoſe which do pay that ſum, or upwards, ſhall elect as many members as they pay three thouſand pounds; that is, one member for every three thouſand pounds *per annum* they pay land tax.

If by chance there ſhould be a county which does not pay three thouſand pounds *per annum* land tax, ſuch county ſhall concur with the neighbouring, and chooſe as many members as together they pay three thouſand pounds land tax.

6. That the right of election, for cities and towns, be not limited to a certain claſs of men; but extended to every head of a family reſident in ſuch cities, for two months before the elections, and who has hired a houſe for a year at leaſt, and is really an inhabitant of the town. If ſuch head of a family has five pounds a year in the county, he has a vote at the election for a member of the ſaid county.

7. That the votes, in both houſes of parliament, ſhould be given by ſecret ballotting.

8. That no member, lawfully elected, ſhall be expelled, unleſs he refuſes to ſubmit to the rules of the houſe, for tranſacting the buſineſs of it. Having been required thereto by the ſpeaker for two months; or unleſs he does not appear and take his ſeat in parliament, within four months after he is ſummoned ſo to do, in the town or county for which he is elected. In both which caſes a new writ muſt be iſſued to chooſe another member; ſhewing, at the ſame time, for what reaſons his ſeat is become vacant. It is eſſential to the character

character of an agent, or repreſentative, that he attend perſonally in parliament, otherwiſe the county or town cannot be ſaid to be repreſented, and conſequently nothing can be more abſurd, than that a member ſhould, for any cauſe whatever, be permitted to be abſent. All members who do not appear, and take their ſeats in the houſe, within four months after they are ſummoned, muſt be deemed dead in law, and others appointed in their room.

9. That the houſe cannot expel any member, but for his non-appearance, within the time limited as above, or for refuſing to ſubmit to the rules of the houſe.

10. That the houſe may not take cognizance of any crime whatever committed by a member, becauſe the laws alone have a right to do it. And if ſuch a member, having been acquitted, or complied with his ſentence, appears within the time limited as aforeſaid, to take his ſeat, he muſt be admitted: but if he does not appear, then his ſeat becomes vacant by his non-appearance, and another muſt be elected in his room.

11. The houſe cannot, conſiſtently with a free government, puniſh any man, and much leſs arbitrarily. They ſhall not therefore take cognizance of any action whatever, committed by a member or other; becauſe the laws have provided a remedy againſt every crime.

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12. That the privilege of parliament ſhould be limited to the time of ſitting, and to the perſonal liberty of the members in civil caſes alone.

13. To ſecure the liberty of the members, during the ſittings, the hindering them, by force, from attending, ſhall be felony, unleſs they are taken up by a magiſtrate's warrant, upon ſuſpicion of ſome crime.

14, That the ſpeaker, in the name of the commons, may proſecute, at common law, and before the proper court, any man who publiſhes a libel againſt them in general. But if it is againſt a member in particular, he may, like any other ſubject, recur to the laws of his country. Juſtice requires that, as they may receive damages, ſo they muſt pay them, when a verdict is given againſt them; but they muſt not preſume to take cognizance of any crime whatever, becauſe they thereby uſurp the rights of the laws and courts of juſtice. So that the motives which ſhall hereafter authoriſe the houſe to expel a member, are reduced to two caſes: 1. For not complying with the known and eſtabliſhed rules of the houſe, for tranſacting the buſineſs of it. 2. For non-appearance within four months after the ſitting of parliament, and notice given thereof in the Gazette; or in the capital town of the county whereof he is member; or in the town of which he

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is a burgeſs, without conſidering the motives of his non-appearance, which are foreign to the queſtion. The ſpeaker muſt only conſider, whether the member is preſent in parliament, or not, within the time ſpecified by law.

15. That the parliament be triennial.

16. That the number of peers ſhould be encreaſed, ſo that one hundred and fifty at leaſt ſhould be preſent in parliament.

17. That they have not a right to vote by proxy.

18. That they ſhould be obliged to attend in parliament, unleſs prevented by ſickneſs, certified by his own oath, and that of his phyſician; or to forfeit one thouſand pounds every ſeſſions. I don't doubt but this project will be treated as the dreams of a Platonian or an Utopian, by thoſe who have an intereſt in the anarchy which now reigns. However, I flatter myſelf, that impartial men will find that the eſtabliſhment of the methods I propoſe, can alone ſave the conſtitution.

CHAP. VII.

Of Colonies.

ALthough, in the courſe of the work mentioned in the preface, I have occaſionally treated of colonies. The importance of the object has induced me to be more particular, and the more ſo, as they

they are now, and have unfortunately been for ſome time paſt, the ſubject of public councils.

The ancients knew but two motives for ſettling colonies. The trading towns of antiquity having, by their induſtry, greatly increaſed the population, they found themſelves from time to time overloaded with poor inhabitants, and the more ſo, as in general their territories were very ſmall. It was therefore neceſſary to procure them a ſubſiſtence. Their ſituation near the coaſt rendered tranſmigrations eaſy, and ſecured an intercourſe with the mother-country. Such colonies were always eſtabliſhed on ſome foreign coaſt, the better to defend themſelves againſt the people of the country, ever jealous of new comers. It appears that theſe colonies did not acknowledge the juriſdiction of the mother-country, or any other dependance but that which is founded on neceſſity, and gratitude; they were governed by their own laws, always formed on the model of thoſe of their mother-country, who, on her part, never required any other ſubmiſſion, than what is derived from the gratitude of her children.

The other ſpecies of colonies were entirely military, and formed only with a view to ſecure the obedience of a people newly conquered, and at the ſame time to procure

procure a ſubſiſtence for the old ſoldiers and poor citizens, who, being very numerous, became the inſtruments of ſome ambitious leader, to raiſe ſeditions and confuſion in the republic. Monarchs and tyrants ſeldom eſtabliſhed colonies abroad. Sometimes they permitted ſtrangers to ſettle in their dominions. So that it ſeems, that colonies in general can only proceed from the liberty of a free government, where the people encreaſe, and enjoy the liberty of going wherever they pleaſe.

It muſt be confeſſed that colonies eſtabliſhed on theſe principles, are extremely uſeful, and often neceſſary; nor do I think any means more effectual to ſecure interior tranquility, provide for the poor inhabitants when grown too numerous, and preſerve new conqueſts.

If the Spaniards, when they took poſſeſſion of the vaſt continent of America, inſtead of deſtroying the inhabitants, had eſtabliſhed military and commercial colonies, on the coaſt, and in ſome principal places within the country, at a proper diſtance, ſo as to be able to keep up the neceſſary communication between each other, and with the mother-country, Spain would have been at preſent one of the moſt powerful kingdoms in Europe. By following a contrary method, ſhe has loſt ſix millions of ſubjects in America, and at

leaſt three in Europe. Unhappily for them, they neither ſaw nor ſearched for any thing but gold, and the inhabitants were conſidered only as animals made to find it; whereas, by time and humanity, they would have been made uſeful ſubjects. America therefore became a ſource of poverty and miſery to the Spaniards, by introducing a prodigious quantity of precious metals, which deſtroyed the inhabitants and their induſtry.

The proud and indolent Spaniard found it was better to depend on the court for his ſubſiſtence, than on his labour; ſo that induſtry and civil liberty vaniſhed together. The prince, being thus maſter of an immenſe treaſure, which continually flowed from America, was enabled, and indeed obliged to create a prodigious number of employments for ſuch extended dominions. To augment this calamity, he was ambitious, and fooliſh enough to aſpire at univerſal monarchy, which raiſed him many and powerful enemies. Inſomuch that his coffers were exhauſted of its treaſures, and his kingdom of its ſubjects. The few remaining had no other reſource but in ſome little employments, and in the charity of the convents, who, to dazzle the people, diſtribute ſome ſmall part of their ſuperfluities to the poor.

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The Spaniſh monarchy has always been on the decline, and though, at preſent, it ſeems a little raiſed, and given to induſtry, the leaſt unfavourable accident will always ſhake it to its foundation.

The moderns have eſtabliſhed another ſpecies of colonies, unknown to the antients, being formed only with a view to extend commerce and navigation. The coloniſts do not ceaſe to be ſubjects, and directly dependant on their mother-country. We muſt therefore examine this motive, and ſee whether it really anſwers the end propoſed by it. Such colonies are generally ſettled in very diſtant countries, and, if placed among a civilized people, it is morally impoſſible to fix them upon a ſolid foundation, in the midſt of a powerful nation, which cannot be reduced by force to become your ſubjects. No nation in Europe is ſtrong enough to conquer, and preſerve in its obedience, a poliſhed people, at ſo great a diſtance. You may perhaps force the inhabitants to abandon the coaſt, but never to ſubmit, while they have ground behind them, much leſs if their dominions are extenſive, you cannot follow them into the interior parts of the continent. The continual wars you muſt ſuſtain againſt the inhabitants, will deprive you of the fruits of their induſtry, and ſoon abſorb all the profits of your com-

merce, ruin the colony, and drain the mother-country. The only method to be obſerved, on ſuch occaſions, is to occupy ſome ſmall iſland, near to the coaſt; large enough however to ſupply the colony, and trading ſhips, with what is neceſſary for their ſubſiſtence. From thence you may, with little expence and danger, trade with the continent, and, by humanity, honeſty, and prudence, ſecure to yourſelves the fruits of their induſtry, in exchange for what you furniſh them from the mother-country. Care muſt be taken not to loſe their confidence and friendſhip by unjuſt dealings. A war carried on at ſo great a diſtance, muſt finally terminate in the ruin of your colony and trade, becauſe the inhabitants become your enemies, neither can, nor will, furniſh you, with any thing or take any thing from you. If ſuch an iſland is not to be found on the coaſt, the only remedy is by fair means to procure ſome good harbour, where you muſt build, and fortify a town that will contain three or four thouſand people almoſt, otherwiſe the inhabitants will upon the firſt occaſion, exterminate them, and your trade is loſt for ever. The great art of carrying on trade in theſe circumſtances, conſiſts, in an humane and benevolent, but at the ſame time, firm conduct, which ſhews you can obtain by force, what you chuſe to owe to their friendſhip.

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The French Eaſt India company was ruined by following other maxims and I fear ours will ſhare the ſame fate. As the moderns trade to the utmoſt extremity of the earth, and in ſuch long navigations ſhips are expoſed to great calamities for want of known harbours, it may be neceſſary, to form, at convenient diſtances colonies, provided with what may be uſeful to repair ſhips, and maintain them till the arrival of the proper ſeaſon for ſailing on their intended voyages; with this view the Dutch occupied the Cape of Good Hope, and other places, to carry on their Eaſt India trade. It were to be wiſhed the Engliſh formed ſuch eſtabliſhments near Cape Horn, and in the iſlands on the coaſt of *Peru*, in the ſouth ſeas. The Dutch, according to theſe principles, having expelled the Spaniards and Portugueſe from many of their ſettlements in the Eaſt Indies, eſtabliſhed on the continent nothing but factories, in order to form their magazines, with proper agents to carry on the interior trade with the inhabitants and very prudently formed their ſeat of empire at Batavia; in an iſland, whoſe inhabitants they eaſily ſubdued, or at leaſt forced to abandon the coaſt. By which means, they are enabled to carry on an immenſe trade, at a very ſmall expence, compared to that of our Eaſt India company; having never any

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wars with the princes of the continent. They trade in peace wherever they come. Their chief force conſiſts in a numerous fleet which they occaſionally ſend on the coaſts, to inſpire the inhabitants with reſpect for the company and its agents. This plan, ſeems to us, the only one which can ſecure a laſting and lucrative trade, whereas that, followed by the Engliſh, muſt finally ruin the company, as it did that of the French.

If on the contrary, the country is inhabited by ſavages, and conſequently without culture, arts, or manufactures, nothing can be more abſurd than to ſettle colonies among them. Becauſe having no induſtry they can furniſh nothing, and having few, or no wants, beyond what their phyſical exiſtence requires, it is plain they can take nothing from you, nor have they wherewith to pay it; a few ſkins, can never be an object, that deſerves you ſhould deprive your country of a number of induſtrious hands, in order to obtain ſuch an inconſiderable article of trade; at preſent there is no nation in Europe, excepting perhaps the Dutch, which has not a great quantity of good land uncultivated; none, whoſe induſtry cannot be carried to a much greater extent and perfection, than at preſent. Can there be any doubt, but that a hundred thouſand men, employed in their

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own country, are much more uſeful than if tranſported to any other country whatever though its productions were ever ſo abundant and rich, which can never be the caſe, unleſs the country is peopled and civilized, in which caſe factories alone muſt be eſtabliſhed and not colonies. Even if inſtead of pebbles the fields were covered with gold and ſilver, which are only uſeful to a nation, when the recompence of labour and induſtry. It is upon this principle that the emperor of China prohibits the working of mines, with which his empire abounds, becauſe the population being extremely great, the leaſt obſtacle to induſtry would be followed by a famine, and the ruin of the empire. If the three millions of Engliſh, ſaid to be in America, were employed in England, Scotland and Ireland, particularly the laſt, which together are nearly as extenſive as France, though they contain little more than a third part as many inhabitants, there is no doubt, but that their induſtry would be infinitely more advantageous, than in America. The Engliſh monarchy having its ſubjects thus concentred in two iſlands, would be one of the moſt powerful in Europe, and invincible by any power whatever. It is now above a century and half, ſince we have begun to ſettle America, and during that period the nation has loſt the induſtry of ſo many

many inhabitants, and moreover ſpent great ſums in ſupporting them, againſt the French and Indians; which has embroiled the nation in unneceſſary wars; ſuch was the laſt, which however ſucceſsful, has ruined the nation, yet till lately we have drawn little advantage from them. Their own conſumption would have been greater, if they had remained at home, ſo that the only benefit we draw from them, is produced by the Spaniſh trade they carry on, by which they have been enabled to pay for what they draw from England. The Dutch from Saint Euſtatia, carry on this trade to much greater advantage, and a few iſlands on the Spaniſh coaſt would have anſwered the end much better than our colonies. However as they have no other means of paying for our manufactures, one cannot imagine, what could induce the late miniſtry, to prohibit the colonies from trading with the Spaniards, which in fact was the ſame thing as prohibiting their taking any more Engliſh goods. The Spaniards very juſtly, prohibit their ſubjects in America from trading with any one whatever, becauſe the government by ſending the quantity of goods they pleaſe, can fix a price *ad Libitum*, and by that means draw as much as they will from them, and as they carry this too high, ſmuggling will be carried on there in ſpite

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of all the Guardacoſta's. We ought therefore no doubt to have acted upon different principles, and, as much as we could, have favoured the trade with the Spaniards. The fiſhery, of ſo much importance to England, is intirely unconnected with the colonies, and is carried on, by us and the French, without the leaſt aſſiſtance from them: a few ſhips ſtationed on the coaſt, during the fiſhing ſeaſon, is the only thing required.

It ſeems therefore from what we have ſaid, that colonies ſhould never be eſtabliſhed on the coaſt, becauſe you cannot trade with the inhabitants, unleſs you are in friendſhip with them, and then you can do it much more effectually, and with leſs expence from ſome neighbouring iſland, eaſily guarded. Whereas if you are ſettled on the continent you muſt have troops. forts, &c. which naturally renders the inhabitants diffident and jealous, and moreover abſorbs the whole profits of your trade; and if the country is uncultivated, no production of it, whether natural, or procured by your induſtry, can be as uſeful as, or equivalent to, the induſtry of the ſame number of men employed at home. The Dutch indeed, having a ſmall territory, and in general little fruitful, did right in ſettling colonies in the different parts of Aſia, where they have an immenſe trade; but they made the iſlands the ſeat of empire, and are eſtabliſhed on ſuch a ſolid

footing, that all Aſia together, could not ruin their eſtabliſhments, whereas ours are held by a ſilken thread. Our acquiſitions on the continent, require a great military force, which is incompatible with every principle of a commercial ſociety. The country, from whence you pretend to draw the articles of trade, is ruined, and the inhabitants become your enemies. How therefore, and with whom does the company pretend to trade? I have, in the work mentioned in the preface, treated the doctrine of trading companies at length, to which I refer.

If the Spaniards had occupied only ſome iſlands and a couple of ports, in the gulph of Mexico, and in the ſouth ſeas, inſtead of embracing the immenſe continent of America, they would probably be now one of the firſt people in Europe; whereas, by extending their dominions, they are, *cæteris paribus*, become the weakeſt.

It is proved to a demonſtration, that the force and activity of a given number of men, is in proportion as they are concentered and united in a ſmaller ſpace, conſequently a trading nation ſhould never make war or conqueſts if it is poſſible to avoid it. According to this principle, I would rather that England ſhould poſſeſs Cuba and ſome other iſlands, with two good harbours on the coaſt, than all the continent

of

of America. By which one may judge of the advantages, of the late peace. The motives above mentioned are, in my opinion, the only ones, which ſhould induce a nation to ſettle colonies, and which can indemnify it, for the loſs of its ſubjects. When they are eſtabliſhed on the preſent plan, and at a great diſtance, their ſupport muſt be very expenſive, and the loſs of their induſtry great, and when they acquire, a certain degree of force and riches, it is impoſſible to keep them in ſubjection any longer than they find their account in it. They will ſoon be alienated from the mother country, like all other animals, whoſe attachment to their dams laſts only while they want them. They will, by little and little, form ſeparate intereſts; and when they find themſelves ſtrong enough, will infallibly form a new and independent government. If you preſs them, they will become enemies. If you do not, perhaps they may be induced to become your allies, and as ſuch, you may keep them. I do not chuſe to enter into any detail on the preſent ſtate of our colonies; but will venture to affirm, that no force whatever, can ſubdue three millions of inhabitants diſperſed over an immenſe continent; we may perhaps force them to retire from the coaſt, and ruin their induſtry; that is, your own; and oblige them to

apply to agriculture for their ſubſiſtence. But you cannot follow and conquer them. And the leſs ſo, as their religious principles, concur equally with their political, in their love of liberty and hatred of tyranny. The man who gives room to diſpute about *power*, *prerogative*, *liberty* and *religion*, muſt ever be conſidered as little acquainted with human nature, and common prudence. A wiſe and virtuous miniſter will never try experiments on ſuch delicate ſubjects. They are like glaſs, which by much handling breaks in your hands, but at the ſame time cuts it. He will therefore avoid every occaſion, which may poſſibly give room to examine them, becauſe they can never be terminated by words and reaſoning. Force alone can ſolve the difficulties.

If the colonies will no longer contribute to the ſupport of the mother country by any direct tax, which indeed is imprudently, and perhaps, unjuſtly impoſed; withdraw your troops intirely from the continent, excepting Quebec, and ſome capital points in the river of Saint Laurence. The natives, excited by their own turbulent diſpoſition, and by French emiſſaries, will ſoon carry the ax into the back ſettlements, which are too extenſive and open to be defended by the coloniſts. They will ſoon be forced to recur to your aid and protection.

protection. I own I ever conſidered the taxing the colonies, as the moſt abſurd, inadequate, and unjuſt meaſure ever adopted by any miniſter. They conſumed yearly, for four or five millions, and, by that very conſumption, paid every kind of tax levied in England, and all expences of the firſt materials, manufacturing, carriage, navigation, &c. which are all included in the price. If you force them to pay an additional tax, then you make them pay more than any ſubject in Great Britain, who finally pays, only, in proportion to his conſumption. Why therefore muſt a poor American pay more than the moſt opulent Engliſhman? why muſt he pay more, than the Spaniards and Portugueſe who take off your goods? in the price of which they really and truly pay every kind of tax, that is raiſed in England; and all the expences, profits of the manufacture tranſport, &c. which are at leaſt ten *per cent.* more than any Engliſhman. So that I do not doubt, but in the five millions, they pay for the goods they take from us, they pay alſo at leaſt one for taxes: you ſhould therefore, on the general principles of trade, not endeavour to diminiſh their conſumption, but augment it, by all the methods poſſible, as you would in trading with any other nation whatever. At leaſt four fifths of our induſtry are conſumed in foreign

foreign countries, who pay our taxes in that proportion. The government has encouraged foreign conſumption by every means poſſible. Pray why are the Americans to be checked in conſuming our manufactures?

CHAP. VIII.

Of Ireland.

NO nation ever drew leſs advantage from a great, and powerful province, than England does from Ireland. The climate, ſoil, and ſituation are extremely good. The inhabitants are active, and in general, very acute, and ſenſible. They are ſaid to be lazy, which, if true, muſt be attributed to want of circulation, which alone can render a people induſtrious. If properly encouraged, they would be found equally ſo with the Engliſh. As yet, inſtead of animating, and exciting them to trade, every means are uſed to hinder them. It is therefore no wonder, they make ſo little progreſs in manufactures and navigation, for which they are, by their ſituation, particularly well adapted. The low price of proviſions would enable them to furniſh foreign markets much cheaper than the Engliſh, and maintain that ſuperiority over the French, which we can no longer do.

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It is I conceive quite indifferent to the general good of the nation, what province carries on this or that branch of trade, becauſe finally the profits muſt center among the ſubjects, and particularly near the capital. The preſent king, has greatly contributed to perfect the government of that kingdom, by fixing the duration of parliament, to eight years. It were to be wiſhed, he would equally fix the diſpoſal of the revenues, as in England. The miniſter would indeed loſe much of his influence; but if he is able and juſt, he wants none but what reaſon gives him, and when he recurs to other means, he gives juſt room to believe he is diffident of his own abilities and integrity. As circulation is greatly wanting in Ireland, it would be uſeful to prohibit any member of the Iriſh parliament from being one in England; and order that aſſembly to meet every year, which would keep many of them at home; particularly, if an abſence of ſix months of any member ſhould vacate his ſeat.

CHAP.

CHAP. IX.

Paralell between the reſpective Forces of England *and* France.

AMONG the many pamphlets, which have lately appeared, on the ſtate of England and France, two have been particularly diſtinguiſhed by the public. The one ſuppoſed to be written by a man, who has occupied the firſt employments in the miniſtry; the other by a perſon, more diſtinguiſhed by his eloquence, than by his places or connections with thoſe in power; being only lately initiated into public buſineſs. The firſt production may be conſidered, as the funeral oration of England, in which the author laments the impending fate of his country; which, according to him, is on the point of expiring, as well by inward diſeaſes, and weakneſs, as by the power of its rival. In all this long elegy, the author has examined only the ſtate of the revenues, and has ſhewn much labour and preciſion in his calculations; which, whether juſt, or otherwiſe, prove nothing eſſential. The ſums, upon which he founds his remarks, being admitted poſſible, are no way adequate to the evil. Two or three hundred thouſand pounds, is nothing, compared to a debt of

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one hundred and forty millions. It was not therefore, worth while, to publiſh ſo laborious a pamphlet, from which no one advantageous concluſion can be drawn. The author of the ſecond production has, with much elegance, proved this truth. As to the ſums they differ about, being ſo inconſiderable, compared with the national debt, I do not think it deſerved their attention. This gentleman will have us believe, that England is by no means ſo miſerable, as the other ſays; and this he proves, by ſaying, that France is much more ſo, than England: ſuppoſing this to be true, which, I fear, is not the caſe, it proves nothing at all. I fancy a man, languiſhing with a conſumption, would not be perſuaded he was well, becauſe his neighbour had the gout in the ſtomach. Though I confeſs myſelf much inferior to theſe gentlemen in every reſpect, I ſhall preſume to examine the actual ſtate of the two nations in queſtion, and that in ſo clear and impartial a manner, that the reſults will have the force and exactneſs of a geometrical demonſtration. I am the more encouraged to this undertaking, as truth is always uſeful; whereas falſehood, cannot, I conceive, be of any advantage, and in general is attended with fatal conſequences, particularly in the conduct of public affairs. If in fact the French are miſerable, it does

not follow, that we are rich and powerful. There is no national advantage that can accrue from it, on the contrary it may diminiſh our induſtry and attention to public buſineſs. But if this opinion is ill founded, the conſequences may, and indeed muſt be fatal. At the laſt peace it was ſaid the French and Spaniards were ruined for an age to come. It was their intereſt we ſhould believe it. In the mean time, it is known they have a hundred ſail of the line, and are now making immenſe preparations of every kind; our miniſtry, infatuated by our former ſucceſſes, affect a certain tranquility, which is encouraged by French emiſſaries, and in all probability will be found eſtabliſhed on a very precarious baſis. When vice and effeminacy had extinguiſhed every principle of patriotiſm and virtue among the Athenians, Philip, the moſt artful and ambitious prince that ever exiſted, was projecting their ruin in particular; their being the only power in Greece that could prevent him from deſtroying the liberties of that country. Demoſthenes endeavoured to rouſe them from their lethargy, and excite them, in time, to oppoſe the ambitious projects of Philip, but in vain. Corruption, and the love of pleaſure, had intirely enervated that, once brave, and powerful people, inſomuch that no ſenſe of glory or danger could induce them

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to take any ſtep for their preſervation. In theſe ſentiments they were confirmed by Philip's emiſſaries, who were ever declaiming on the power of the Athenians, and the weakneſs and moderation of Philip; who being thus permitted to follow his plan, in a ſhort time put it in execution, and became the maſter of Greece. I do not mean this as any reflection, on the elegant author, being perſuaded he is equally an eloquent orator, and a faithful ſubject, truly attached to the good of his country. I mean only to ſhew, it is dangerous to exalt the power of our nation, and depreſs that of our rivals, if his opinion is not founded on real matter of fact; and if otherwiſe it is uſeleſs, and cannot produce any one advantage. I fancy this gentleman, dazzled with the pomp and magnificence of ſome Nabobs and other inhabitants of this luxuriant capital, has too haſtily concluded that the whole nation, was equally opulent. Had he conſidered the different price of proviſions, and labour, in London, and two hundred miles off, that alone, would have convinced him of his error. At the ſame time he is too much a philoſopher, and politician, not to know, that luxury can proceed only from an inequality of fortunes, and the greater that inequality is, the fewer are rich, and the more are poor. In fact no country of an

equal population, excepting Spain, and Italy, has ſo great a number of poor as England. In ſo much that their maintenance coſts perhaps four or five ſhillings in the pound in ſome places; which added to their want of induſtry, is a moſt heavy burden on the nation. Let us now return to the queſtion before us, and examine whether, in fact, England is ſo powerful, and France ſo miſerable.

It is an axiom, and therefore requires no demonſtration; *That the abſolute force of a nation, is in a compound ratio of the number of its inhabitants, and quantity of their induſtry.* The laſt can be calculated only, by the quantity of taxes they pay yearly to the ſupport of government. The relative force of a ſtate will depend on many circumſtances, of which the moſt eſſential are, *The nature of the government; ſituation of the country; quantity, and quality of its productions, and the genius of the inhabitants.* By comparing theſe different objects, in the two nations, we ſhall be able to calculate their reſpective force, with almoſt a geometrical preciſion. It is generally allowed, that France contains nearly twenty millions of inhabitants, and we know for certain, that the yearly revenues amount to four hundred and ſeven millions of livres, which make nearly eighteen millions ſterling; ſo that the abſolute

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force of France, is 20 + 18, or thirty eight millions, or ſimply *thirty eight*; whereas the population of the Britiſh iſlands, (for I cannot conſider the colonies otherwiſe than as a nation, which conſumes our manufactures, by which, like them, they contribute to pay the taxes) amount only to eight millions, and the quantity of revenues to ten at moſt. So that the abſolute force of England, compared to that of France, will be as 18 to 38. And we muſt conſider that the revenues of the latter are ſo independant of navigation, that five ſixths at leaſt ariſe from their European trade and the ſale of their productions; which are by cuſtom, or otherwiſe become ſo neceſſary, that no accident can diminiſh eſſentially the ſale of them. This truth is proved by the hiſtory of their finances; for when Lewis XIV. came to the throne, they amounted only to about ſeventy millions, which, notwithſtanding his continual wars, and the expulſion of above a million of ſubjects, had greatly diminiſhed the population, increaſed to the amazing ſum of three hundred and ſeventy millions of livres, ordinary revenues, and above a hundred millions ſterling borrowed on different conditions. And, during the reign of his ſucceſſor, though the nation made a bankruptcy, they ſtill increaſed to the ſum of four hundred and ſeven millions, and above ſixty

millions

millions debt. During this period, the French marine and navigation were deſtroyed to ſuch a degree, that they had ſcarce a ſhip of any kind at ſea. However, neither the national bankruptcy, nor the great diſtreſſes of the government, ever hindered the increaſe of their revenues, or prevented their borrowing at a very low intereſt, conſidering the quantity of circulation, which is not above half as great as ours; and therefore the intereſt ſhould be double to what it is with us. In this period, their dominions and influence have been greatly increaſed, their loſs in the late war will turn out a national advantage. So that it appears evident, their finances being eſtabliſhed on their own natural productions, are not ſubject to be diminiſhed by any temporary accident or misfortune; and though the weak conduct of a miniſtry, may make a bad uſe of the national forces, yet it is impoſſible to deſtroy their natural ſources, being eſſentially connected with the number of inhabitants, ſituation, and quantity of productions of the country; a little order and oeconomy would ſoon raiſe it to a degree of ſplendour and force ſuperior to any power in Europe. In ten years after the bankruptcy of the Miſſiſſippi, France added Lorraine to its provinces, and gave law to the houſe of Auſtria. Since the late war, they have augmented their ma-

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rine, whoſe ordinary expence amounts to twelve hundred thouſand pounds, to above ſeventy ſhips of the line, and thirty frigates. The preſent failure of the Eaſt India company has not in the leaſt affected the revenues of the ſtate; whereas a bankruptcy of any of our companies, or an unſucceſsful war, that ſtopped for ſix months only our navigation, would infallibly be followed by a national bankruptcy, and make it impoſſible to raiſe five millions *per annum*; becauſe almoſt the whole national revenues depends on foreign trade and navigation: ſo that the leaſt check to theſe, would ruin the ſtate. Beſides the French have above twelve millions free for the ſupport of government, after they have paid the intereſt of their debt, whereas we have not above five; and if we conſider the different price of proviſions, labour, &c. their twelve millions are equivalent to twenty four millions *. As to the nature of their government,

* We have demonſtrated in the work, indicated in the preface; 1. That the price of proviſions, labour, &c. is in proportion to the number of inhabitants and quantity of circulation. So let C = to the circulation, and P = to the population, then will $\frac{C}{P}$ = p. the price of proviſions.

The circulation of France in paper and money amounts to about one hundred and fifty millions ſterling and the population to twenty millions. So $\frac{C = 150}{P = 20} = 7\frac{1}{2}$ will expreſs the price of proviſions, labour, &c.

In England the circulation in money and paper amounts to

government, we own it is not ſo well calculated for induſtry, as that of England; becauſe political and civil liberty are eſſentially neceſſary to animate commerce:

to about one hundred and ſixty millions and the population to 8 millions ſo we ſhall have $\frac{C = 160}{P = 8} = 20$. Conſequently the price of proviſions, labour, &c. is in England to that of France as twenty to ſeven and a half, which ſhews the reaſon why they can underſell us, in any market in Europe.

2. That the quantity of induſtry is in proportion to the quantity of circulation, compared with the number of inhabitants. So that we ſhall have the ſame equation, *viz.* In France $\frac{C = 150}{P = 20} = 7\frac{1}{2}$. In England $\frac{C = 160}{P = 8} = 20$. That is the induſtry of England is to that of France, as twenty to ſeven and a half.

3. That the quantity of taxes, is in a compound ratio, of the number of inhabitants, and the taxes raiſed, compared to the quantity of circulation. So in France we ſhall have $\frac{C = 150}{P = 20 + \text{taxes} = 18 = 38} = 4$ nearly. In England $\frac{C = 160}{P = 8 + \text{taxes} = 10 = 18} = 8\frac{1}{2}$ nearly. But as this proportion is in a direct ratio of the taxes, and inverſe of the number of men who pay it, it follows that we pay in proportion to what the French pay, as four to eight and a half nearly. That is each Engliſhman pays 25 ſhillings and Frenchman only eighteen. For dividing ten millions taxes, by eight millions of ſubjects we find each pays 1l. 5s. 0d. and dividing eighteen millions with the twenty millions of French pay it will be found each pays about 18 ſhillings; moreover the eighteen millions, raiſed in France makes eight and a half of their total induſtry: whereas the ten millions raiſed in England, makes only a twentieth part of our induſtry, which is always in proportion to the quantity of circulation. As the ſpecies in France is ſuppoſed to be about half the value of the paper in circulation; and in England ſomething leſs than a fifth: it appears that a bankruptcy in France, would be leſs fatal to their induſtry in proportion as two is to five.

and

and though in France the firſt is by no means to be compared to that of England, yet the ſecond is little inferior. The great men only being ſubject to the ſtroke of deſpotiſm, the common people are permitted to follow their buſineſs without any reſtraint: but monarchies are infinitely more adapted to action and vigour. For the prince, being ſole maſter, he can employ, and direct the whole national force to any one object he pleaſes, and his ſubjects muſt concur in his views. The prodigious efforts made by Lewis the fourteenth and fifteenth are a proof of this. They have ſuſtained continual wars, and yet both their dominions and revenues have increaſed; and I will preſume to affirm, were never ſo formidable as at preſent. The union of the different branches of the houſe of Bourbon, and their connections with that of Auſtria, enables them to direct their whole force againſt us, who, unhappily, have not one ally, who can contribute eſſentially to divert their projects, nor indeed any one who will. They can employ every mariner, in France and Spain, in their fleet, without any ſenſible inconveniency, becauſe their trade is chiefly carried on by the Dutch, and other foreigners. France can reform fifty thouſand men, and employ that fund in augmenting their marine; and Spain at leaſt thirty thouſand for the ſame

purpoſe, without expoſing either nation to the leaſt danger or inconveniency. Spain is ſo far from being ruined by her loſſes in the laſt war, that ſhe has augmented the pay of her troops, being above eighty thouſand men, a third; being moreover abſolute princes, they can ſuſpend the payment of any particular branch, and employ the funds on another. Philip the Fifth made a bankruptcy, which indeed produced ſome occaſional diſtreſs, but did not affect the ſtate. The Spaniards have now built, or are building, ſeventy ſhips of the line, beſides frigates. The two nations have, including what they can draw from Genoa, and other parts of Italy, at leaſt ſixty thouſand mariners, which they can, to a man, employ on board their fleets, without diminiſhing any one ſource of their revenues. It is true, they are not ſo able as we are in that branch of war. Experience however proves, they are not ſo deſpicable as we think. Lewis the Fourteenth though employed in continual wars, which, with numerous public works, exhauſted his finances, in a very few years raiſed a marine conſiſting of one hundred and twenty ſhips of the line, which, conducted by Tourville, Du Gué, Frouin, Forbin, &c. ranged maſters of the ocean for ſix or ſeven years, though the Dutch and Engliſh were united. Why cannot the houſe of Bourbon united much

more

more powerful than formerly, and without any enemy to fear; Why, I ſay, is it impoſſible for it, to form a marine, much greater than Lewis XIV did? The great population of France, and their little induſtry, compared to ours, enables her to employ any number of men in her fleets, without checking the induſtry of any claſs, which we certainly cannot do. I am perſuaded, we could not at one time, employ fifty thouſand mariners and ſixty thouſand men in the army, without diminiſhing greatly our manufactures and navigation, and conſequently the ſources of our revenues.

The ſituation of France is, without compariſon, ſo much finer than ours, that if their marine was increaſed, they would be maſters of the Channel, and indeed of great part of the trade now carried on by the different powers of Europe; as no nation has a greater variety of natural productions, nor of a better quality, or more generally uſed. If they only made their own commerce, that alone would form a powerful marine, and a moſt extenſive navigation. Their colonies are few, but perfectly well ſituated for the Spaniſh trade in America, and moreover ſupply them with ſugars, indigo, &c. and now being, happily for them, got rid of Canada, which abſorbed immenſe ſums of

money, as well as men, they enjoy all the advantages of colonies, without their inconveniency. The low price of proviſions, and their ſmall induſtry, compared to us, enable them to increaſe it double to what it now is. As to the genius of the inhabitants, it cannot be denied that they are ingenious, docile, and active, which the increaſe of their revenues prove; for, in a little more than a century, they are raiſed from ſeventy to four hundred and ſeven millions of livres, as we have ſaid. It is objected, that they are oppreſſed by the burden of their taxes. To which I anſwer, that they are far from being as opulent as the Engliſh, but they are not oppreſſed. The proof is this: If by taxes, or other arts, you take from the ſubject any thing, from what is neceſſary to maintain himſelf and family, the animals, grain, &c. neceſſary to continue the cultivation of the arts, manufactures, agriculture, &c. it is impoſſible the revenues can remain the ſame, much leſs increaſe; they muſt neceſſarily diminiſh every year in proportion as you diminiſh the funds from which they are raiſed. Fact however proves, that they have continually augmented, and therefore the taxes, however heavy, did not deſtroy the funds from which they are derived. Indeed they may, and indeed I believe they have, hindered the increaſe of national

national induſtry, which might be carried much higher, if their funds were encreaſed. Notwithſtanding their taxes and oppreſſions, their trade is of late greatly augmented in Spain, Portugal, Italy, and the Levant, where ours has ſuffered in proportion, as our merchants well know. The ſources therefore of their power and riches, are real and abſolute, whereas that of their weakneſs is accidental. A bad miniſtry may ſuſpend the effects of their natural advantages, but never can deſtroy them. The laſt war was unfortunate, but not ſurely for want of means. A weak and diſunited miniſtry greatly contributed to their misfortunes. Good diſcipline has rendered European troops nearly equal. The difference of valour vaniſhes among the numberleſs cauſes which concur to ſecure the victory. Our ſucceſs in the laſt war will be a laſting monument of our valour, abilities, reſources; and I will add, good fortune, as well as of their incapacity. Peace however has, in my opinion, given them more advantages than a ſucceſsful war. The fiſhery of Newfoundland, and the loſs of Canada, are probably equally advantageous to the French. Were they ſtill maſters of it, we ſhould not ſee our colonies on the point of throwing off their obedience to the mother country.

Though

Though the ſituation of England is by no means ſo advantageous for trade as that of France, it is much more ſo for interior ſafety, and defence. For though our enemies may have numerous armies, they cannot, unleſs maſters of the ſea, and for a conſiderable time, make uſe of them againſt us, but in ſmall numbers; and even ſuppoſing their fleets ſuperior to ours, they cannot attack us with any advantage, becauſe they can bring neither heavy artillery, ammunition, proviſions, and cavalry, but in ſmall quantities: inſomuch that with thirty-two thouſand foot, and twelve thouſand horſe, chiefly dragoons and light horſe, with the militia, we could eaſily baffle all their attempts. I would have three thouſand foot, and one thouſand horſe in Scotland, eleven thouſand foot and five thouſand horſe in England, beſides the militia, encamped in ſome central poſition, between Dover and Portſmouth, and the remaining twenty thouſand in Ireland, in the province of Munſter, and on the banks of the Shannon. Three ſhips and four frigates on the coaſt of Scotland; a few frigates and ſhips in the Channel to obſerve Dunkirk; forty ſail of the line in the Bay of Biſcay to obſerve Breſt and Ferrol; a ſquadron off Ireland, and another in the Mediterranean. If theſe do their duty, we have nothing to fear at home or abroad.

Some

Some cruiſers in the Gulph of Mexico, North America, and the Eaſt Indies, will be ſufficient to protect our trade, and ruin theirs. But, if you let the French and Spaniards get out of their harbours, and unite their forces, there is no anſwering for the conſequences. If, in time, you do not take effectual meaſures to ſtop their projects, even before they are ripe for execution, it may be then too late; for, if they once get out, our trade may be ruined before you can apply any remedy.

We have ſhewn that the abſolute force of France is, to that of England, as thirty-eight to eighteen nearly, and that their neat revenues are as twelve to five at leaſt. The nature of our government is more calculated for the peace and domeſtic happineſs of the ſubject. Theirs, on the contrary, is more ſo for action and conqueſt. The ſituation and productions of their country are preferable to ours; their induſtry and price of proviſions much leſs; and the firſt may, no doubt, with good management, be increaſed to double what it is at preſent. They have the materials, and certainly do not want either genius or activity. It is the fault of the miniſtry, if the national induſtry and revenues do not augment. Whereas ours is already carried to ſuch a height, that it cannot be encreaſed, and probably muſt diminiſh.

1. Becauſe

1. Becauſe it is certain, that eight millions of ſubjects cannot produce a greater quantity of labour, and the leſs ſo, as the number of ſervants and beggars increaſe daily, which diminiſhes the quantity of national induſtry. 2. Becauſe the high price of proviſions, labour, and luxury, make it impoſſible for our merchants to ſupport the concurrence of the French and other nations in foreign markets, where, conſequently, the conſumption of our manufactures decreaſes daily. 3. In caſe of a war, we cannot employ above a certain, and very limited number of men in our fleets and armies, without drawing the hands, which are neceſſary to carry on our agriculture, manufactures, navigation, &c. The preſent ſtate of our colonies does not ſurely promiſe an increaſe of conſumption of our manufactures. The leaſt check upon our foreign trade, an unſucceſsful battle at ſea, might be attended with fatal conſequences; becauſe our ſafety and power are intimately connected, with our being maſters of the ſea, in ſuch a manner, that we muſt be ſo, or periſh: there is no alternative.

Though, as I have ſaid, our conſtitution is peculiarly adapted to ſecure the perſon and property of the ſubject, and conſequently to animate his induſtry; it has however this inconveniency, that theſe advantages

vantages are balanced by want of vigour: for diſcord, diſunion, and oppoſition, are ever the conſequences of a free government. Inſomuch that no miniſter, however able and honeſt, has power enough to exert the whole national ſtrength. Oppoſition and envy will for ever clog his meaſures. Beſides, power and popularity never, I think, concurred but in one miniſter, whom the impending fate of his country called forth for its defence. Oppoſition was ſilenced, and envy hid her poiſoned head. The courtiers feeling themſelves unequal to the weight of that diſtreſs and calamity they had brought on their country, willingly threw it upon his ſhoulders, hoping, in caſe of misfortunes, which ſeemed unavoidable, to make him reſponſible. But no ſooner had he taken the helm, than, by his extraordinary abilities, courage, and impartiality in the choice of able and virtuous men to execute his projects, he ſaved his country from the ruin which threatened it, and raiſed it to a degree of glory and power, beyond that of any nation whatever of equal population. The courtiers, no leſs enemies to this gentleman, than to the intereſt of their king and country, forced him from his ſtation, and, having occupied it, inſtead of cruſhing an enemy, laid at their feet, concluded a peace, or rather a truce, whoſe conſequences muſt finally terminate in the ruin of their country.

Having thus compared, with truth and impartiality, the abſolute and relative forces of England and France, it is evident, I think, that the firſt is by no means ſo flouriſhing, nor the other ſo depreſſed as many affect to believe. I might have indeed added, that an unſucceſsful war, particularly by ſea, would ſink public credit, and perhaps produce a national bankruptcy. That none of our alliances abroad, can be of the leaſt ſervice to us, in a maritime, American, or domeſtic war; becauſe the French, by ſending an army into Weſtphalia, can force the Heſſians, Brunſwickers, and Hanoverians, to diſarm, or ſee their country ruined; which, according to their uſual prudence, no doubt they will avoid. They will in the mean time, take our money, but cannot, in the caſes mentioned, comply with their engagements, and help us. The Auſtrians, who alone could give us effectual ſuccours, will be neuter, or againſt us. The Ruſſians are too far off: the Dutch weak and trembling for themſelves. The Pruſſian monarch has no natural connections, or common intereſt with us, and moreover, never knew any but his own. The king of Denmark alone can be of uſe to us; becauſe the French cannot, by intrigue, or force, hinder him from giving us the ſuccours he may chuſe to ſend us. I wiſh therefore,

and

and moſt humbly recommend to thoſe in power, the forming of a moſt intimate connection with this prince, and enabling him to keep a body of twenty thouſand men, and ten ſhips of the line for our ſervice, whenever we may want them, and at the ſame time to abandon thoſe ridiculous connections with the little princes of Germany, who abſorb immenſe ſums, and, when called upon, can be of no ſervice. I muſt conclude with *Delenda eſt, Vis maritima, Carthaginis.*

CATO.

FINIS.